



# **CITY COUNCIL**

## **Meeting Agenda**

**REGULAR MEETING  
COUNCIL CHAMBERS**

**MON, DECEMBER 22, 2008  
7:00P.M.**

### **OPENING MATTERS**

**CALL TO ORDER**

**INVOCATION:** Rev. Randy Grossman, Grace Bible Fellowship Church

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

### **PROCLAMATIONS AND PRESENTATIONS**

### **PUBLIC COMMENT – AGENDA MATTERS:**

*Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.*

*All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.*

*Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other elected or public officials in attendance.*

## **APPROVAL OF AGENDA & MINUTES**

**AGENDA:** Council Meeting of December 22, 2008

**MINUTES:** Council Meeting of December 8, 2008

Special Meeting of December 4, 2008

### **Consent Agenda Legislation**

**Award of Contract** – for the 25% NaOH diaphragm grade delivered in bulk, the 50% NaOH diaphragm grade delivered in bulk and the emergency 20% NaOH diaphragm grade to Basic Chemical Solutions, who is the low bidder for the 25% NaOH delivered in bulk and the emergency 20% NaOH, at the submitted unit prices of \$1.484/gallon, \$3.207/gallon and \$1.285/gallon respectively. Basic Chemical Solutions is not the low bidder for the 50% NaOH delivered in bulk; however, the lowest bidder was rejected due to poor past performance and past safety issues and concerns. It is also the recommendation to award the 25% NaOH diaphragm grade delivered in totes to Univar USA, who is the low bidder, at the submitted unit price of \$448.40.00/tote. These awards bring the estimated total bid price to \$504,369 (**Purchasing**)

**Award of Contract** - for approximately 606,000 pounds of liquid chlorine to Univar USA Inc., 532 East Emaus Street, Middletown PA 17057, who is the low bidder for the 150 pound cylinders but not for the one ton cylinders, for an approximate total bid price of \$154,122.00. The low bid for the one ton cylinders was rejected due to past poor performance and safety concerns and issues (**Purchasing**)

**Resolution** - authorizing the exoneration of all outstanding City Property Tax, Penalties and Interest for the year 2008, for certain properties on Elm, Locust Streets and Benner's Court, Reading, Berks County, Pennsylvania, as set forth on Exhibit A (attached) which are owned by the Reading School District. (**Council Staff**)

### **Pending - further discussion required**

**Award of Contract** - to award the contract to Economics Research Associates, Chicago, IL at a total submittal price of \$65,000 to perform a feasibility study for the development of an environmental education center at the Angelica Park for the Department of Public Works (**Purchasing**) ***Tabled on Nov 24<sup>th</sup>; referred to Public Works Committee***

## ADMINISTRATIVE REPORTS

### REPORT FROM OFFICE OF THE AUDITOR

### REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

### ORDINANCES FOR FINAL PASSAGE

**Bill No 77-2008** - Establishing the Full-Time Employee positions & salaries for the City of Reading for the fiscal year 2009. *Introduced at the October 1 Special Meeting; Tabled on Nov 24<sup>th</sup>; Tabled on December 8<sup>th</sup>*

**Bill No. 63-2008** - Amending The City Of Reading Codified Ordinances, Chapter 6 Conduct By Creating A New Section 402 Of Part A Entitled "Failure To Report Lost Or Stolen Firearms", Which Will Require Prompt Notification To Authorities Of Lost Or Stolen Firearms And Impose Penalties (Mayor) *Introduced at the September 22 regular meeting; Tabled at the October 13 meeting; referred to the Public Safety Committee; referred to the Committee of the Whole*

**Bill No. 82-2008** – levying the real property taxes with no change in the current rate for the fiscal year beginning the first day of January 2009 and ending the thirty-first day of December 2009 *Introduced at the December 8 regular meeting*

Pending  
Advertisement and Public Hearing Required by MPC  
Notice of Pending Ordinance Doctrine

**Ordinance** – amending the City of Reading Zoning Ordinance by prohibiting all rental uses – single family and multi family – in the R-1, R-1A and R-2 zoning districts. (Marmarou-Council Staff) *Introduced at the October 13 regular meeting of Council, Advertised October 15, Public Hearing held on November 19*

Pending – Further Review Required

**Bill No. 26-2008** - amending the Codified Ordinances of the City of Reading, Chapter 1 – Section 1-186, 3, G, by adding a new (3) requiring Council approval for all expenditures, transfers and/or allocations from and/or to any and all Agency Funds and any and all line-items located in the Departmental: Non Departmental area of the General Fund (Council Pres. Spencer- Council Staff) *Introduced at the February 25 regular meeting; Tabled at the March 10 regular meeting; referred to the Finance Committee*

***for review; Discussed at 4-7 Finance Committee; Tabled at the 4/14/08 Regular Meeting***

**Bill No 59-2008** – amending the Sidewalk Vendor Ordinance by changing the location and increasing the number of mobile food vendors **(Council Staff)** ***Introduced at the September 8 regular meeting of Council; tabled at the September 22 regular meeting of Council; referred to Ad Hoc Committee, Meeting 11-25, 12-10***

**Ordinance** - to adopt an amendment to the Zoning Ordinance under the authority of the Pennsylvania Municipalities Planning Code, which adds a Planned Residential Development (PRD) overlay called the “RR Riverfront Redevelopment Overlay Zoning District” and to apply the new district to lands from the centerline of the Schuylkill River to areas to the east and northeast of the river, including areas generally south and southwest of Franklin St, along both sides of S. 2<sup>nd</sup> St. and Riverfront Dr., and along both sides of Canal Street including areas south of Laurel St., south of Willow St., west of S. 7<sup>th</sup> St. and north of South St. and as shown in more detail on the attached RR zoning overlay district map **(Solicitor)** ***Introduced at the December 8 regular meeting; public hearing to be held January 8***

**Pending – two week layover not complete**

**Ordinance** – raising the 2009 property tax levy by 5% and setting the 2009 property tax levy at .011445 (11.45) (Fuhs & Goodman-Hinnershitz) ***Introduced at the December 15<sup>th</sup> Special Meeting***

**Ordinance** – increasing the Home Rule earned income tax rate by .2, increasing this levy to .9% (Fuhs & Goodman-Hinnershitz) ***Introduced at the December 15<sup>th</sup> Special Meeting***

## **INTRODUCTION OF NEW ORDINANCES**

### **RESOLUTIONS**

**Resolution** - authorizing the issuance and sale of a tax and revenue anticipation note, series of 2009, of the City of Reading in an aggregate principal amount not to exceed \$3 million (Managing Director)

**Resolution** – denying the appeal of a Certificate of Appropriateness by the City of Reading Public Works Department for a storage structure in City Park and remanding the issue back to the HARB Board at their January 20<sup>th</sup> meeting. (Council Staff)

**Resolution** – directing the Administration to retain the services of an external auditor and a collection agency to be working to collect the uncollected housing permit fees, business license fees, per capita taxes, food permit fees, business privilege taxes, dumpster permit fees, tax administration licenses, local services taxes, and earned income taxes. (Marmarou & Goodman-Hinnershitz) ***Introduced at the December 15 Special Meeting***

**Resolution** – appointing Carmela Boykins to the City Diversity Board (**Admin Oversight**)

**Resolution** – appointing Mary Alamo to the City Diversity Board (**Admin Oversight**)

**Resolution** – appointing Jeffrey Gattone to the Zoning Hearing Board (**Admin Oversight**)

**Resolution** – appointing James Schlegel to the Berks Area Reading Transportation Authority (**Admin Oversight**)

## **PUBLIC COMMENT - GENERAL MATTERS**

## **COUNCIL BUSINESS / COMMENTS**

## **COUNCIL MEETING SCHEDULE**

### **Monday, December 22**

*Committee of the Whole – Council Office – 4 pm*

*Regular Meeting – Council Chambers – 7 pm*

### **Thursday, December 25**

*\*City Hall closed\**

### **Monday December 29**

*Committee of the Whole – Council Office – 4 pm*

*Special Meeting – Council Chambers – 5 pm*

### **Thursday, January 1**

*\*City Hall closed\**

### **Monday, January 5**

*Meeting with the Mayor – Mayor's Office – 4 pm*

*Public Safety Committee – Council Office – 5 pm*  
*Finance Committee – Council Office – 5 pm*

**Wednesday, January 7**

*Meeting with Gov. Joseph Hiester Chapter, SAR – Revolutionary War Memorial in City Park - 4 p.m. Council Chambers*

**Thursday, January 8**

*Zoning Public Hearing – Council Chambers – 5 pm*

- *Conditional Use Application – conversion of 439 S. 9<sup>th</sup> St to a 2 unit rental dwelling*
- *Planned Residential Development (PRD) overly for Southwest Reading*

**Monday, January 12**

*Meeting with the Mayor – Mayor’s Office – 4 pm*  
*Committee of the Whole – Council Office – 5 pm*  
*Regular Meeting – Council Chambers – 7 pm*

**BAC AND COMMUNITY GROUP MEETING SCHEDULE**

**Monday, December 22**

DID Authority – Reading Eagle 3<sup>rd</sup> Floor conference room – noon  
BARTA – BARTA office – 3 pm  
Northwest Neighborhood Assn – Wesley United Methodist Church – 6:30 pm  
Charter Board – Penn Room – 7 pm  
Penn’s Commons Neighborhood Group – Penn’s Commons meeting room – 7 pm

**Tuesday, December 23**

Housing Authority Workshop – WC Building – 4 pm  
Housing Authority – WC Building – 5 pm  
Human Relations Commission – Penn Room – 5 pm  
Library Area Neighborhood Assn – Unitarian Church – 6:30 pm  
District 7 Crime Watch – Holy Spirit Church – 7 pm

**Monday, January 5**

Centre Park Artifacts Bank – 705 N 5<sup>th</sup> St – noon  
Shade Tree Commission – Planning Conference Room – 6 pm  
Wyomissing Park Property Owner’s Assn – member’s home – 6:30 pm

**Wednesday, January 7**

Reading Elderly Housing Crime Watch – Front & Washington Sts – 2:30 pm

Board of Health – Penn Room – 6 pm

District 2 Crime Watch – St. Paul's Lutheran Church – 6:30 pm

**Thursday, January 8**

Police Pension Board – Penn Room – 10 am

Police Civil Service Board – Penn Room - noon

Southeast Community Council – Amanda Stoudt Elementary School – 7 pm

Legislative Aide Committee – Penn Room – 7:30 pm

**Sunday, January 11**

College Heights Community Council – Nativity Lutheran Church – 7 pm

**Monday, January 12**

Fire Civil Service Board – Penn Room – 4 pm

6<sup>th</sup> & Amity Neighborhood & Playground Assn – 6<sup>th</sup> & Amity Fieldhouse – 6:30 pm

Charter Board – Penn Room – 7 pm

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## **City of Reading City Council**

### **Regular Meeting Monday, December 8, 2008**

A regular meeting of City Council was held on the above date for the transaction of general business.

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Rev. Dr. Sandra Fees, of the First United Unitarian Church. She thanked City Council for their work to serve and protect Reading residents.

All present pledged to the flag.

#### **ATTENDANCE**

Council President Spencer  
Councilor Fuhs, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Baez, District 5  
City Auditor D. Cituk  
City Solicitor, C. Younger  
Mayor, T. McMahon  
Managing Director, R. Hottenstein  
City Clerk L. Kelleher  
Public Works Director C. Jones  
Sgt at Arms Capt R. Shafer  
Chief of Police, W. Heim

#### **PROCLAMATIONS AND PRESENTATIONS**

City Council issued a Council commendation to Reading High School Student Andrew Katzenmoyer, celebrating his leadership and outstanding abilities. Mr. Katzenmoyer was selected to participate in the Great American Marching Band, who appeared in the Macy's Thanksgiving Day Parade. Mr. Katzenmoyer also participated in the Great American Tour Band, who traveled and appeared in cities around Europe during this past summer.

Council President Spencer stated that City Council is proud to honor Mr. Katzenmoyer as he is a student who continually goes above and beyond bringing honor to the City of Reading.



## **PUBLIC COMMENT**

Council President Spencer announced that five citizens were registered to address Council this evening. He stated that one citizen is registered to address agenda matters and four are registered to address non-agenda matters. He inquired if any Councilor objected to suspending the rules to all allow all public comment to occur at this point in the meeting. As no one objected all citizens were allowed to address Council now rather than after the legislative business is concluded.

Council President Spencer reminded those registered to speak about the remaining speaking rules.

**Lydell Gehris-** of the Greater Reading Young Professionals an employee of Security of First, expressed her belief in a creation of a PRD overlay as it will expand opportunities for economic development and revitalize the City of Reading.

**Leon McDevitt-** of Shillington, noted that the City has recently been touting the reduction in crime statistics. He asked all to recall the death of an on duty police officers a half block away from City Hall and the recent upspring in violent crimes including shootings, stabbings, and vandalism, citywide. He expressed the belief that criminal activity is supported by the actions and attitudes of overly liberal judges and psychologists.

**Angel Figueroa-**, of Queens Court, noted the difficulties the part-time Council has grappling with the sizeable City budget and budget issues. He expressed the belief that today's financial problems have been brewing for approximately 16 years. He noted his optimism for the future of the country and the City. He suggested discussing City issues with former members of City Council.

**Chief of Police William Heim-** stated that Police Budget is currently set at \$25.5 million. He stated that City Council has directed that 4% be cut across the board for all City Departments. He stated that the police budget has personnel cost set at approximately \$23 million and he noted that he, as the director of the police department, cannot make the requested 4% reduction without hampering operations. He noted the low ratio of non-uniformed support to the police department, which affects their operations and drives their costs higher. He expressed the belief that the 4% reduction will hinder, the public safety advancement made under the past few years.

**Mary Ann Ciarlone-** of North 5<sup>th</sup> Street, requested a copy of the City's Property Inspection Policy and Standard Operating Procedure for forced entry inspections.

## **APPROVAL OF AGENDA AND MINUTES**

Council President Spencer called Council's attention to the agenda for this meeting and to the minutes from the November 24<sup>th</sup> Regular Meeting of Council. He noted that the approval of the agenda will include the Resolution listed under the Consent Agenda

Heading. He announced to amend the agenda to introduce an Ordinance that will set the property tax levy at its current rate.

**Councilor Marmarou moved, seconded by Councilor Goodman-Hinnershitz, to approve the agenda as amended, including the legislation listed under the Consent Agenda heading and the minutes from the November 24<sup>th</sup> Regular Meeting of Council. The motion was approved unanimously.**

### **ADMINISTRATIVE REPORT**

Mayor McMahon stated that the City is facing the most severe financial crisis perhaps in the entire lifetime of the City. He noted that one time fixes can no longer be used. He stated that the City's elected officials must find income and revenue streams that work in today's economy. He stated that he vetoed the 5% property tax increase as it was too minimal to support City services. He stated that without support for his proposed property tax and earned income tax rates the City will find itself with a \$20 million deficit in 2010. He stated that drastic lay-offs will be needed. He noted the need for Council and the Administration to work together to consider tax choices. He stated that the Administration will work to take the best advantage of our assets such as the regionalization of the sewer and water functions. He stated that the Administration will also work to obtain support for our City's park and library system. He again suggested that Council and the Administration work together to keep the City financially afloat.

Mayor McMahon also reported on the following:

- 1 Implementation of the downtown security cameras.
- 2 Centre Park Historic District's 24<sup>th</sup> Annual Christmas House Tour on Sunday, December 14<sup>th</sup>.
- 3 College Heights Community Council's meeting on Sunday, December 14<sup>th</sup>.

Councilor Sterner stated that City Council will continue to work with the Mayor to find a compromise on the 2009 budget. He noted the need to discuss pension reform with the state legislators. He noted that cities across the Commonwealth can no longer afford police and fire services. He suggested that the City consider a regional approach.

### **AUDITOR'S REPORT**

City Auditor Dave Cituk stated that attached to his report is an audit of the capital project to renovate the Pagoda. He stated that the funding for this project came from the City's line of credit, not the revenue realized through the sale of Antietam to the County. City Auditor Cituk described the shift in Capital Project Funding.

Councilor Fuhs thanked City Auditor Cituk for completing the audit and added that the construction of the Lancaster Avenue Firehouse was to be funded by the line of credit not the Pagoda Project.

Councilor Goodman-Hinnershitz inquired if the Pagoda Capital Project was included in the Capital Program Budget. Managing Director Hottenstein replied affirmatively. He stated that the project will be completed under its projected cost. Councilor Goodman-Hinnershitz noted that the City is only funding the first phase of the renovation. Mayor McMahon stated that the City is applying for state grants to assist with the remainder of the project.

Councilor Goodman-Hinnershitz requested that the administration provide a detailed update at the January Public works Committee Meeting.

Mayor McMahon asked Public Works Director Jones to provide an update on the installation of the new guide rails on Duryea Drive.

Public Works Director Jones stated that Penn DOT now requires that guide rails be made of steel. He stated that the department has selected a steel product that has a rusted appearance that will compliment the environment. He stated that the department will also install new guide rails on the road that joins Clymer Street and North 13<sup>th</sup> Street.

Councilor Goodman-Hinnershitz noted the perfect appearance of the material used. She also noted the recent appearance of a tent like structure off Duryea Drive and requested that the City investigate this issue further.

Councilor Sterner stated that the City's current budget restraints will require the Administration to find a different stream of funding to continue the Pagoda Project. He stated that he supports the project but asked that the Administration reconsider the project costs.

Mayor McMahon stated that the Antietam revenue will not cover the cost of the Pagoda and City Park renovation projects.

Council President Spencer inquired why Wayne Wright of Greater Berks Development has been named as project manager for the Pagoda Project. Mayor McMahon replied that Mr. Wright has volunteered as project manager. He also noted the support Greater Berks Development has given to the Pagoda Project. He noted his friendship with Ed Swoyer Director of Greater Berks Development and the beneficial relationship between himself and Greater Berks.

## **REPORT FROM BOARD'S AUTHORITIES AND COMMISSIONS**

Vicky Krall, chair of the Legislative Aide Committee, stated that the Committee was established in 2002 to review, research and update existing legislation, draft new legislation, and make amendment recommendations to City Council. She stated that the group works closely with the City Clerk and is strictly advisory. She stated that the Legislative Aide Committee has assisted with the development and amendment of various City Ordinances such as:

- 1 Charter Board Ordinance
- 2 Ethics Board Ordinance

- 3 Animal Control Ordinance
- 4 Board of Health and Citizen Inspection Program
- 5 Blighted Property Review Committee

Ms. Krall also stated that the Committee has also reviewed revisions to various ordinances such as: outdoor air policy, dumpster placement, parking of trucks and recreational vehicles, park and recreation trust fund.

Ms. Krall stated that the Committee has recently reviewed and drafted briefs on two recent state laws HB2188, covering abandoned and blighted properties and HB2499, which establishes a licensing procedure for message therapy.

Ms. Krall stated that two of the newest Committee members have valuable experience as they work in the office of State Legislators. She stated that serving on the Legislative Aide Committee has been personally rewarding and encouraged others to volunteer their time on the City' Board's, Authorities, and Commissions.

Councilor Sterner thanked the Legislative Aide Committee for their diligent work.

Councilor Fuhs echoed these sentiments and thanked for the Committee for their work to assist City Council.

Councilor Goodman-Hinnershitz noted the value of citizen input when legislation is drafted and amended.

Council President Spencer thanked Ms. Krall personally, noting that she has done a fabulous job as chair of the Legislative Aide Committee.

### **ORDINANCES FOR FINAL PASSAGE**

**Bill No 77-2008** - Establishing the Full-Time Employee positions & salaries for the City of Reading for the fiscal year 2009. ***Introduced at the October 1 Special Meeting; Tabled on Nov 24th***

**Councilor Goodman-Hinnershitz moved, seconded by Councilor Fuhs, to table Bill 77-2008.**

**Bill 77-2008 was tabled by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer  
President – 6.**

**Nay: None – 0**

Council President Spencer referred this bill to the Committee of the Whole.

**Bill No 81-2008** - establishing policies to facilitate requests for public records of the City of Reading, the manner in which records shall be disseminated, the manner in which decisions shall be made concerning dissemination of public records, and establishing a fee schedule for duplication and certification of public records of the City of Reading (**Council Staff**) *Introduced at the November 24 regular meeting*

**Councilor Marmarou moved, seconded by Councilor Baez, to enact Bill 81-2008.**

Council President Spencer stated that Council Staff drafted this Ordinance after attending training sessions on the requirements to comply with the State's Right to Know Statute. He stated that the state requires cities across the Commonwealth to implement these standards by January 1<sup>st</sup> 2009.

**Bill 81-2008 was enacted by the following vote:**

**Yea: Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer  
President – 6.**

**Nay: None – 0**

### **INTRODUCTION OF NEW ORDINANCES**

**Ordinance** - to adopt an amendment to the Zoning Ordinance under the authority of the Pennsylvania Municipalities Planning Code, which adds a Planned Residential Development (PRD) overlay called the "RR Riverfront Redevelopment Overlay Zoning District" and to apply the new district to lands from the centerline of the Schuylkill River to areas to the east and northeast of the river, including areas generally south and southwest of Franklin St, along both sides of S. 2<sup>nd</sup> St. and Riverfront Dr., and along both sides of Canal Street including areas south of Laurel St., south of Willow St., west of S. 7<sup>th</sup> St. and north of South St. and as shown in more detail on the attached RR zoning overlay district map (**Solicitor**)

**Ordinance** – setting the property tax levy at its current level for the 2009 calendar year.

### **RESOLUTIONS**

**Resolution 126-2008** - extending the application deadline for mobile food vendors from December 1 to January 16 and extending the Vendor License Board's review and approval of mobile food vendors to February 27 (**Council Staff**) *Meeting w/ Vendor Group held Nov 25<sup>th</sup>, Next Meeting scheduled for Dec 10<sup>th</sup>*

**Councilor Baez moved, seconded by Councilor Fuhs, to adopt Resolution 126-2008.**

Council President Spencer stated that a task force has been organized and is meeting to review and discuss the proposed amendments to the Mobile Food Vendor Ordinance. He stated that this last deadline extension will allow the task force to complete their work and make a final recommendation to City Council.

Councilor Goodman-Hinnershitz noted the good progress made at the task force meeting.

**Resolution 126-2008 was adopted by the following vote:**

**Yea- Baez, Fuhs, Goodman-Hinnershitz, Marmarou, Sterner, Spencer – President-6**

**Nay- None - 0**

**COUNCIL COMMENT**

Councilor Fuhs expressed the belief that the City's collective bargaining units will need to be a team payer as the City considers budget reductions.

Councilor Fuhs stated that the Administration and Council continue to work to define an acceptable forced entry inspection standard operating procedure.

Councilor Goodman-Hinnershitz noted the need for Council and the Administration to continue to work on the City's financial issues.

Councilor Goodman-Hinnershitz noted the availability of quality collectibles at the Pagoda. She described the event at the Pagoda over the past weekend.

Councilor Marmarou noted his receipt of complaints regarding the new pedestrian crossing signs appearing on North 13<sup>th</sup> Street near Albright College. He noted that the signs were placed out without the City's approval. Mayor McMahon stated that these pedestrian crossing signs are also used at Southern Middle School and RACC.

Councilor Marmarou noted their poor positioning makes turns problematic.

Captain Schaeffer and Public Works Director Jones stated that these pedestrian crossing signs are approved for use on state highways. Public Works Director Jones stated that he investigated the use of the pedestrian crossing signs around Albright College and expressed the belief that too many signs are located in the street.

Councilor Sterner thanked tonight's public speakers for providing their input.

Councilor Sterner reminded all citizens of the Hillside Holiday Light display.

Mayor McMahon suggested that the Administration and Council consider using an advisory panel similar to that used by the Reading School District several years ago.

Council President Spencer and City Clerk Kelleher reminded the Mayor that Council suggested activating such a panel earlier this year. Council wished the panel to be composed of a combination of business owners and Reading residents. The Administration's reluctance to include Reading residents on the panel stalled out the panel's creation.

Mayor McMahon requested an update on the LRA (Local Redevelopment Authority) organized to oversee the reuse of the Navy Marine Center located on Kenhorst Boulevard.

Council President Spencer explained that the LRA has just completed the request for proposal (RFP) process to hire a consultant who will assist the LRA in drafting the re-use plan. He stated that representatives from the LRA will travel to Washington D.C. to meet with HUD officials in January. After the contract for the LRA Consultant is completed a kick-off meeting will occur to define the remainder of the project and set a Public Meeting Schedule.

Council President Spencer noted the importance of holding public meetings with affected residents throughout the final stages of the LRA process and to obtain the affected communities input on reuse of this parcel.

Council President Spencer noted the article in the Reading Eagle on the Union Town financial woes. He stated that Union Town has a \$7 million budget and recently laid off 30 of their 80 employees. He noted the similar problems here in Reading.

Council President Spencer reviewed Council's upcoming meeting schedule.

**Councilor Marmarou moved, seconded by Councilor Fuhs, to adjourn the regular meeting of Council.**

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Linda Kelleher, City Clerk



# AGENDA MEMO

## FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Heather L. Dunkle, Purchasing Coordinator  
**PREPARED BY:** Heather L. Dunkle, Purchasing Coordinator  
**MEETING DATE:** December 22, 2008  
**AGENDA MEMO DATE:** December 16, 2008  
**RECOMMENDED ACTION:** Awarding of Contract for Sodium Hydroxide for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority.

### RECOMMENDATION

The recommendation is to award the contract for the 25% NaOH diaphragm grade delivered in bulk, the 50% NaOH diaphragm grade delivered in bulk and the emergency 20% NaOH diaphragm grade to Basic Chemical Solutions, who is the low bidder for the 25% NaOH delivered in bulk and the emergency 20% NaOH, at the submitted unit prices of \$1.484/gallon, \$3.207/gallon and \$1.285/gallon respectively. Basic Chemical Solutions is not the low bidder for the 50% NaOH delivered in bulk; however, the lowest bidder was rejected due to poor past performance and past safety issues and concerns. It is also the recommendation to award the 25% NaOH diaphragm grade delivered in totes to Univar USA, who is the low bidder, at the submitted unit price of \$448.40.00/tote. These awards bring the estimated total bid price to \$504,369.

### BACKGROUND

Bids for sodium hydroxide for use by the Reading Area Water Authority Authority and the Environmental Division of Public Works were received on November 20, 2008.

A copy of the Schedule of Bids is attached for your review.

### BUDGETARY IMPACT

The Department of Public Works has confirmed there are sufficient funds budgeted in 2009 in account code 54-07-44-4513 and the Reading Area Water Authority has confirmed there are sufficient funds budgeted in 2009 in account code 50-15-84-4513 to cover this



contract.

**PREVIOUS ACTION**

None

**SUBSEQUENT ACTION**

Formal action by Council is needed to award the contract at the December 22, 2008 meeting.

**RECOMMENDED BY**

Mayor, Managing Director, Directors of Public Works and Finance, Executive Director of RAWA and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation to award the contract to Basic Chemical Solutions and Univar USA, Inc. for the purchase of sodium hydroxide.

pc: File

November 20, 2008

To the Mayor  
City Hall  
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

**BID NO. 11005-08 FOR SODIUM HYDROXIDE FOR THE WASTEWATER TREATMENT PLANT, DEPARTMENT OF PUBLIC WORKS AND THE CITY OF READING, PENNSYLVANIA, ON BEHALF OF THE READING AREA WATER AUTHORITY.**

***BULK –***

**30,000 GALLONS - 25% NaOH DIAPHRAGM GRADE**

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>EXTENDED PRICE</u></b>
Basic Chemical Solutions, LLC 5 Steel Road East Morrisville, PA 19067	\$1.484/gal	\$44,520.00
JCI Jones Chemicals Inc. 40 Railroad Avenue Merrimack, NH 03054	\$1.49/gal	\$44,700.00

Univar USA Inc. 532 East Emaus Street <b><u>Middletown, PA 17057</u></b>	\$1.915/gal	\$57,450.00
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Main Pool & Chemical Co. Inc. 110 Commerce Road Dupont, PA 18641		NO BID
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Kuehne Chemical Co. 86 North Hackensack Avenue South Kearny, NJ 07032		NO SURETY
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**135,000 GALLONS – 50% NaOH DIAPHRAGM GRADE**

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>EXTENDED PRICE</u></b>
JCI Jones Chemicals Inc.	\$3.165/gal	\$427,275.00
Basic Chemical Solutions, LLC	\$3.207/gal	\$432,945.00
<b><u>Univar USA Inc.</u></b>	<b><u>\$3.63/gal</u></b>	<b><u>\$490,050.00</u></b>

Main Pool & Chemical		NO BID
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Kuehne Chemical Co.		NO SURETY
---------------------	--	-----------

**TOTES –**

**60 TOTES - 25% DIAPHRAGM GRADE IN RETURNABLE CONTAINERS**

<b><u>Univar USA Inc.</u></b>	<b><u>\$448.40/tote</u></b>	<b><u>\$26,904.00 (a)</u></b>
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Main Pool & Chemical	\$690.00/tote	\$41,400.00 (b)
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Basic Chemical Solutions, LLC		NO BID
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JCI Jones Chemicals Inc.		NO BID
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Kuehne Chemical Co.		NO SURETY
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(a) 210 gallon tote

(b) 300 gallon tote

**EMERGENCY –**

***EMERGENCY ONLY – 20% NaOH DIAPHRAGM GRADE***

Basic Chemical Solutions, LLC	\$1.285/gal
JCI Jones Chemicals Inc.	NO BID
Univar USA Inc.	NO BID
Main Pool & Chemical	NO BID
Kuehne Chemical Co.	NO SURETY

HEATHER L. DUNKLE  
Purchasing Coordinator



# AGENDA MEMO

## FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Heather L. Dunkle, Purchasing Coordinator  
**PREPARED BY:** Heather L. Dunkle, Purchasing Coordinator  
**MEETING DATE:** December 22, 2008  
**AGENDA MEMO DATE:** December 16, 2008  
**RECOMMENDED ACTION:** Awarding of Contract for Liquid Chlorine for the Department of Public Works and City of Reading, on behalf of the Reading Area Water Authority.

### RECOMMENDATION

The recommendation is to award the contract for approximately 606,000 pounds of liquid chlorine to Univar USA Inc., 532 East Emaus Street, Middletown PA 17057, who is the low bidder for the 150 pound cylinders but not for the one ton cylinders, for an approximate total bid price of \$154,122.00. The low bid for the one ton cylinders was rejected due to past poor performance and safety concerns and issues.

### BACKGROUND

Bids for approximately 594,000 lbs. of liquid chlorine in one (1) ton cylinders and approximately 12,000 lbs. in 150 lb. cylinders for use by the Reading Area Water Authority and the Utilities Division of Public Works were received on November 20, 2008. The approximately 594,000 lbs. of liquid chlorine in one ton cylinders will be used by both the Reading Area Water Authority and the Department of Public Works. The approximately 12,000 lbs. of liquid chlorine in 150 lb. cylinders will be used exclusively by the Reading Area Water Authority.

A copy of the Schedule of Bids is attached for your review.

### BUDGETARY IMPACT

The Water Authority and Department of Public Works have confirmed there are sufficient funds budgeted in 2009 in account codes 50-15-84-4513 and 54-07-44-4513.

### PREVIOUS ACTION

None

**SUBSEQUENT ACTION**

Formal action by Council is needed to award the contract at the December 22, 2008 meeting.

**RECOMMENDED BY**

Mayor, Managing Director, Reading Area Water Authority Executive Director, Directors of Public Works and Finance and Purchasing Coordinator.

**RECOMMENDED MOTION**

Approve/Deny the recommendation to award the contract to Univar USA, Inc. for the purchase of liquid chlorine.

pc: File

November 20, 2008

To the Mayor  
City Hall  
Reading, PA

The following bids were opened and scheduled, with a Contract to be awarded or the bids rejected.

**BID NO. 11004-08 FOR APPROX. 606,000 POUNDS OF LIQUID CHLORINE FOR THE WASTEWATER TREATMENT PLANT, DEPARTMENT OF PUBLIC WORKS AND THE CITY OF READING, PENNSYLVANIA, ON BEHALF OF THE READING AREA WATER AUTHORITY**

**APPROX. 594,000 POUNDS OF LIQUID CHLORINE IN ONE TON CYLINDERS**

<b><u>BIDDER</u></b>	<b><u>UNIT PRICE</u></b>	<b><u>EXTENDED PRICE</u></b>
JCI Jones Chemicals, Inc. 40 Railroad Avenue Merrimack, NH 03054	\$0.205/lb	\$121,770.00
<b><u>Univar USA Inc.</u></b> <b><u>532 East Emaus Street</u></b> Middletown, PA 17057	<b><u>\$0.247/lb</u></b>	<b><u>\$146,718.00</u></b>
<b><u>Kuehne Chemical Co., Inc.</u></b> 86 North Hackensack Avenue	<b><u>\$0.38/lb</u></b>	<b><u>\$225,720.00</u></b>

South Kearney, NJ 07032

Main Pool & Chemical Co. Inc.  
110 Commerce Road  
Dupont, PA 18641

NO BID

**APPROX. 12,000 POUNDS OF LIQUID CHLORINE IN 150 POUND CYLINDERS**

<b><u>Univar USA Inc.</u></b>	<b><u>\$0.617/lb</u></b>	<b><u>\$7,404.00 (a)</u></b>
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Main Pool & Chemical Co. Inc.	\$0.667/lb	\$8,004.00 (b)
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<b><u>JCI Jones Chemicals , Inc.</u></b>	<b><u>\$0.75/lb</u></b>	<b><u>\$9,000.00 (c)</u></b>
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<b><u>Kuehne Chemical Co., Inc.</u></b>		<b><u>NO BID</u></b>
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(a) Cylinder deposit = \$0.00

(b) Cylinder deposit = \$100.00

(c) Price for delivery to four (4) locations; \$0.60/lb is the price to deliver solely to the Maidencreek Filter Plant; cylinder deposit = \$0.00

HEATHER L. DUNKLE  
Purchasing Coordinator

# AGENDA MEMO

## FINANCE DEPARTMENT

**TO:** City Council  
**FROM:** Heather Dunkle, Purchasing Coordinator  
**PREPARED BY:** Heather Dunkle, Purchasing Coordinator  
**MEETING DATE:** November 24, 2008  
**AGENDA MEMO DATE:** November 14, 2008  
**RECOMMENDED ACTION:** Awarding of Contract to perform a feasibility study for the development of an environmental education center at the Angelica Park for the Department of Public Works.

### RECOMMENDATION

The recommendation is to award the contract to Economics Research Associates, 20 East Jackson Boulevard, Suite 1200, Chicago, IL 60604, at a total submittal price of \$65,000.

### BACKGROUND

Proposals to perform a feasibility study were received on September 9, 2008. The proposals were reviewed by a selection committee which ranked each firm on a series of criteria. The selection committee discussed the submittals and determined ERA was more superior to the other firms.

A copy of the Schedule of Proposals is attached for your review.

### BUDGETARY IMPACT

The Department of Public Works has confirmed that funds sufficient for this contract have been included in CIP budget account code 34-07-73-4216, project number 34-07-73-105.

### PREVIOUS ACTION

None

### SUBSEQUENT ACTION

Formal action by Council is needed to award the contract at the November 24, 2008 meeting.

### RECOMMENDED BY

Mayor, Managing Director, Directors of Finance and Public Works and Purchasing Coordinator.

### RECOMMENDED MOTION

Approve/Deny the recommendation to perform a feasibility study for the development of an environmental education center at the Angelica Park in order that the contract may be awarded to Economics Research Associates.

cc: File

September 9, 2008

To the Mayor  
City Hall  
Reading, PA

**RFP FOR FIRMS TO PERFORM A FEASIBILITY STUDY FOR THE DEVELOPMENT  
OF AN ENVIRONMENTAL EDUCATION CENTER AT THE ANGELICA PARK FOR  
THE DEPARTMENT OF PUBLIC WORKS, CITY OF READING, PENNSYLVANIA**

Proposals were received from the following firms:

Economics Research Associates	\$65,000.00
20 East Jackson Boulevard	
Suite 1200	
Chicago, IL 60604	

Seiler + Drury	\$64,200.00
420 DeKalb Street	
Norristown, PA 19401	

STV	\$59,500.00
205 West Welsh Drive	
Douglassville, PA 19518	

HEATHER L. DUNKLE  
Purchasing Coordinator



RESOLUTION NO. \_\_\_\_\_

**AUTHORIZING THE EXONERATION OF OUTSTANDING CITY PROPERTY TAX, PENALTIES AND INTEREST FOR THE YEAR 2008 FOR 1218, 1220 AND 1226 ELM STREET; 214, 218A, 220, 220A, 222, 222A, 224, 226, 228, 230, 235, AND 239 LOCUST STREET; 206 AND 215 NORTH 12<sup>th</sup> STREET AND 1042, 1051 AND 1060 BENNER'S COURT, READING, BERKS COUNTY, PENNSYLVANIA.**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:**

That the City of Reading, City Council does hereby authorize the exoneration of all outstanding City Property Tax, Penalties and Interest for the year 2008, for certain properties on Elm, Locust Streets and Benner's Court, Reading, Berks County, Pennsylvania, as set forth on Exhibit A (attached) which are owned by the Reading School District.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

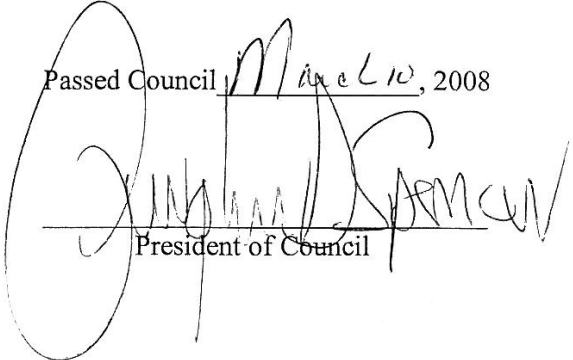
RESOLUTION NO. 33 2008

**AUTHORIZING THE EXONERATION OF OUTSTANDING CITY  
PROPERTY TAX, PENALTIES AND INTEREST FOR THE YEAR 2007 FOR  
1218, 1220 AND 1226 ELM STREET; 214, 218A, 220, 220A, 222, 222A, 224, 226,  
228, 230 AND 235 LOCUST STREET; AND 1060 BENNER'S COURT, READING,  
BERKS COUNTY, PENNSYLVANIA.**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:**

That the City of Reading, City Council does hereby authorize the exoneration of  
all outstanding City Property Tax, Penalties and Interest for the year 2007, for certain  
properties on Elm, Locust Streets and Benner's Court, Reading, Berks County,  
Pennsylvania, as set forth on Exhibit A (attached) which are owned by the Reading  
School District.

Passed Council March 10, 2008

  
\_\_\_\_\_  
President of Council

Attest:

  
\_\_\_\_\_  
City Clerk

Berks County Assessment Office  
633 Court Street, 3rd Floor  
Reading, PA 19601-4320  
610-478-6262  
[www.co.berks.pa.us](http://www.co.berks.pa.us)

## FINAL NOTICE

### 2009 EXEMPTION APPEALS

Date Mailed: OCTOBER 31, 2008

Your Real Estate Assessment for 2009 County Tax purposes has been set  
by the Board of Assessment Appeals at \$553,800

Taxing district: CITY OF READING  
Property ID: 09-5317-70-11-3540  
Location: 214 LOCUST ST  
Acres: .720 Lot:  
Description: EXEMPT BUILDING  
DETACHED IMPROVEMENTS

FULL EXEMPTION GRANTED

Deed Book: 5252 Page: 0064

Prop. Owner: READING SCHOOL DIST

800 WASHINGTON ST  
READING PA 19601-3616

Berks County Assessment Office  
633 Court Street, 3rd Floor  
Reading, PA 19601-4320  
610-478-6262  
[www.co.berks.pa.us](http://www.co.berks.pa.us)

## FINAL NOTICE

### 2009 EXEMPTION APPEALS

Date Mailed: OCTOBER 31, 2008

Your Real Estate Assessment for 2009 County Tax purposes has  
by the Board of Assessment Appeals at \$6,612,000

Taxing district: CITY OF READING

FULL EXEMPTION GR

Property ID: 09-5317-70-11-7682

Location: 215 N 12TH ST

Acres: 4.200 Lot:

Deed Book: 5252

Description: EXEMPT BUILDING  
DETACHED IMPROVEMENTS

Prop. Owner: READING SCHOOL DIST

800 WASHINGTON ST  
READING

PA 19601-3616

Berks County Assessment Office  
633 Court Street, 3rd Floor  
Reading, PA 19601-4320  
610-478-6262  
[www.co.berks.pa.us](http://www.co.berks.pa.us)

## FINAL NOTICE

### 2009 EXEMPTION APPEALS

Date Mailed: OCTOBER 31, 2008

Your Real Estate Assessment for 2009 County Tax purposes has been set  
by the Board of Assessment Appeals at \$3,300

Taxing district: CITY OF READING  
Property ID: 10-5316-29-08-8299  
Location: 1042 BENNERS CT  
Acres: .010 Lot:  
Description:

FULL EXEMPTION GRANTED

Deed Book: 5306 Page: 1066

Prop. Owner: READING SCHOOL DIST

800 WASHINGTON ST  
READING PA 19601

Berks County Assessment Office  
633 Court Street, 3rd Floor  
Reading, PA 19601-4320  
610-478-6262  
[www.co.berks.pa.us](http://www.co.berks.pa.us)

## FINAL NOTICE

### 2009 EXEMPTION APPEALS

Date Mailed: OCTOBER 31, 2008

Your Real Estate Assessment for 2009 County Tax purposes has been set  
by the Board of Assessment Appeals at \$4,100

Taxing district: CITY OF READING  
Property ID: 10-5316-29-08-9339  
Location: 1051 BENNERS CT  
Acres: .020 Lot:  
Description:

FULL EXEMPTION GRANTED

Deed Book: 5004 Page: 1403

Prop. Owner: READING SCHOOL DIST

800 WASHINGTON ST  
READING PA 19601-3616

Berks County Assessment Office  
633 Court Street, 3rd Floor  
Reading, PA 19601-4320  
610-478-6262  
[www.co.berks.pa.us](http://www.co.berks.pa.us)

## FINAL NOTICE

### 2009 EXEMPTION APPEALS

Date Mailed: OCTOBER 31, 2008

Your Real Estate Assessment for 2009 County Tax purposes has been set  
by the Board of Assessment Appeals at \$5,500

Taxing district: CITY OF READING  
Property ID: 10-5316-29-08-9299  
Location: 1060 BENNERS CT  
Acres: .020 Lot:  
Description:

FULL EXEMPTION GRANTED

Deed Book: 5033 Page: 2421

Prop. Owner: READING SCHOOL DISTRICT

800 WASHINGTON ST  
READING PA 19601-3616

BILL NO. \_\_\_\_\_-2008

**A N O R D I N A N C E**

**AN ORDINANCE ESTABLISHING THE FULL-TIME EMPLOYEE POSITIONS  
FOR THE CITY OF READING FOR THE FISCAL YEAR 2009.**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** Full-Time positions for the City of Reading's fiscal year beginning January 1, 2009, and ending December 31, 2009, shall be as set forth in Exhibit A attached hereto and made a part hereof.

**SECTION 2.** This Ordinance shall become effective January 1, 2009.

Enacted \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

(LAW DEPT.)



**City of Reading  
Listing of Positions  
For the 2009 Operating Budget**

<i>Division</i>	<i>Position Title</i>	<i>2009 # of Employees</i>
<b>Mayor</b>		
	Administrative Assistant To The Mayor	1
	Executive Assistant To The Mayor	1
	Mayor	1
		<hr/> 3
<b>Managing Director</b>		
	Managing Director	1
	Executive Secretary/ Admin Aide	1
		<hr/> 2
<b>Call Center</b>		
	Call Center Manager	1
	Customer Service Representatives	3
		<hr/> 4
<b>Neighborhood Development</b>		
	Neighborhood Development Manager	0
		<hr/> 0
<b>Human Relations Commission</b>		
	HRC Director	1
	HRC Clerks	2
	Secretary	1
		<hr/> 4
<b>City Auditor</b>		
	City Auditor	1
	Auditing Coordinator	1
		<hr/> 2
<b>City Council</b>		
	Council President	1
	Council Member	6
	Assistant City Clerk	1
	Administrative Assistant	1
	City Clerk	1
		<hr/> 10
<b>Treasurer</b>		

	Clerk Typist II	3
	Chief Clerk	1
		<hr/>
		4
<b>Finance Director</b>		
	Confidential Secretary	1
	Finance Director	1
	Grant Writer	1
	Floater - Finance	1
		<hr/>
		4
<b>Purchasing</b>		
	Purchasing Coordinator	1
		<hr/>
		1
<b>Accounting</b>		
	Accounting & Treasury Manager	1
	Accountant	1
	Pension Administrator	1
	Revenue Accountant	1
	Accounting Clerk	1
		<hr/>
		5
<b>Tax Administration</b>		
	Budget/Tax Manager	1
	Tax Supervisor	1
	Tax Examiner	1
	EIT Analyst	1
	Tax Specialist	1
	Accounts Coordinator	1
	Secretary	1
	Delinquent Tax Collector	1
	Tax Clerk I	2
	Tax Clerk II	3
	Clerk Typist II	1
		<hr/>
		14
<b>Information Technology</b>		
	GIS Analyst - Sewer	0
	GIS Coordinator	1
	Application Specialist	1
	Network Analyst	1
	Developer	1
	Web Developer	1
	System Support Analyst	1

	IT Manager	1
	Lead Developer	1
		<hr/>
		8
<b>HR-Personnel/Pension</b>		
	Payroll Clerk	1
	HR Floater	1
	Light Duty Position	1
	Diversity and Information Officer	1
	Human Resources Director	1
	Human Resources Supervisor	1
	Human Resources Coordinator	0
	Human Resources Coordinator - Pension	0
	Human Resources Coordinator - Benefits	1
		<hr/>
		7
<b>Mailroom</b>		
	Mailroom Clerk	1
		<hr/>
		1
<b>Solicitor</b>		
	Solicitor	1
	Confidential Secretary	1
	Executive Secretary/ Admin	
	Aide/Paralegal	1
	Legal Specialist	2
		<hr/>
		5
<b>Public Works</b>		
	Confidential Secretary	1
	Public Works Director	1
		<hr/>
		2
<b>Garage</b>		
	Maintenance Mechanic	7
	Maintenance Worker I/Parts Person	1
	Secretary	1
	Small Engine Repairperson	1
	Foreman	1
		<hr/>
		11
<b>Engineering</b>		
	Traffic Planner	1
	Engineering Aide IV	1
	Engineering Aide III	1
	Secretary	1
		<hr/>

		4
<b>Traffic Engineering</b>		
	Equipment Operator II	1
	Traffic Engineering Technician	1
	Maintenance Worker I/Signmaker	1
	Equipment Operator I	1
		<hr/>
		4
<b>Highways</b>		
	Equipment Operator II	14
	Secretary	0
	Foreman	1
	Operations Division Manager	0
		<hr/>
		15
<b>Parks</b>		
	Custodian II	1
	Equipment Operator II	2
	Equipment Operator III	3
	Foreman	2
	Maintenance Worker I	2
	Maintenance Worker II	2
	Maintenance Worker III	3
	Operations Division Manager	1
	Secretary	1
		<hr/>
		17
<b>Recreation</b>		
	Superintendent of Recreation	1
	Custodian III	0
	Secretary	0
	Recreation Supervisor	2
		<hr/>
		3
<b>Public Property</b>		
	Foreman	2
	Tradesman	5
		<hr/>
		7
<b>Police - Criminal Investigations</b>		
	Captain 3-3	1
	Criminal Investigator	26
	Lieutenant	1
	Police Officer	4
	Police Officer/FTO	0

	Court Liason	0
	Sergeant	7
		<hr/>
		39
<b>Police - Special Services</b>		
	Lead Clerk/Trainer	1
	Police Officer	1
	Police Officer/FTO	1
	Telecommunicator Supervisor	1
	Telecommunicator I	1
	Telecommunicator II	13
	Records Clerk	5
	Records Operations Supervisor	1
	TAC Officer	1
	Lieutenant	2
	Secretary - Police Academy	1
	Sergeant	3
	CCTV System Monitor	1
	Shift Supervisor	1
		<hr/>
		33
<b>Police - Patrol</b>		
	Captain	2
	Clerk Typist I	1
	Lieutenant	4
	Police Officer	127
	Police Officer/FTO	6
	Sergeant	18
		<hr/>
		158
<b>Police - Patrol PMI</b>		
	PMI Administrator	1
	Chief Clerk	1
	PMI Supervisor	3
	Health and Safety Clerks	3
	Health and Safety Inspectors	0
	Health Inspector II	0
	Property Maintenance Inspector	15
		<hr/>
		23
<b>Police - Administration</b>		
	Chief of Police	1
	Deputy Chief of Police	1
	Confidential Secretary	1

	Lieutenant	1
	Sergeant	1
	Inspector	1
		<hr/>
		6
<b>Fire Administration</b>		
	Clerk Typist II	1
	Administrative Officer	1
	Fire Chief	1
	First Deputy Chief	4
		<hr/>
		7
<b>Fire Bargaining Unit</b>		
	LT Fire Prevention Officer	2
	Fire Marshal	1
	Lt Fire Training Officer	1
		<hr/>
		4
<b>Fire Suppression</b>		
	Second Deputy Chief	4
	Firefighter IV	87
	Firefighter III	10
	Firefighter II	0
	Firefighter I	11
	LT Fire Suppression Officer	4
		<hr/>
		116
<b>Fire EMS</b>		
	Deputy Chief/EMS Mgr	1
	EMS Lieutenant	4
	Paramedic	20
	Transport Coordinator	1
	Wheelchair Van Driver	3
		<hr/>
		29
<b>CD Planning</b>		
	Planner I	0
	Planner III	1
		<hr/>
		1
<b>CD - Zoning</b>		
	Zoning Technician	1
	Zoning Officer	1
		<hr/>
		2
<b>CD - Trades</b>		
	Secretary	1

	Plumbing Inspector	1
	Building Inspector	1
	Electrical Inspector	1
	HVAC Inspector	1
		<hr/>
		5
<b>CD - Administration</b>		
	CD Specialist II	1
	Property Improvement Division Manager	1
	Codes Administrator	0
	Zoning Administrator	1
	Zoning Deputy Administrator	0
	Building Official	1
		<hr/>
		4
<b>CD - HUD</b>		
	CD Specialist II	0
	CD Specialist III	1
	CD/Hist Preserv Specialist	1
	Community Development Director	1
	Confidential Secretary	1
	Fiscal Officer	1
	Rehab Specialist	1
		<hr/>
		6
<b>Library Administration</b>		
	Director of Libraries	1
	Assistant Director of Libraries	2
		<hr/>
		3
<b>Library - Circulation</b>		
	Librarian I	1
	Librarian II	1
	Librarian III	1
	Library Technician II	3
	Library Technician III	4
		<hr/>
		10
<b>Library - Reference</b>		
	Bookmobile Operator	1
	Head Custodian	1
	Librarian II	4
	Librarian III	1
	Librarian Tech II	1
	Maintenance Worker II	1
		<hr/>

		9
<b>Library - Children Services</b>		
	Librarian II	0
	Library Technician II	0
	Library Technician III	1
		<hr/>
		1
<b>Water Administration</b>		
	Foreman	1
	Customer Service Rep.	2
	GIS/CAD Technician	1
	Engineering Aide III	1
	Distribution Engineer	1
		<hr/>
		6
<b>Water Collection</b>		
	Equipment Operator I	1
	Equipment Operator II	1
	Equipment Operator III	1
	Foreman	1
	Maintenace Worker II	6
	Superintendent	1
		<hr/>
		11
<b>Water Purification</b>		
	Centrifuge Oper. I.	1
	Chemist	0
	Lab Technician	1
	Chief Operator	1
	Clerk Typist II	1
	Foreman	1
	Lab Supervisor/Bact.	1
	Maintenance Worker II	5
	Tradesman	1
	Water Plant Oper. I	0
	Water Plant Oper. II	4
		<hr/>
		16
<b>Water Distribution</b>		
	Equipment Operator II	3
	Field Investigator	3
	Foreman	3
	Foreman - Meter	1
	Foreman - Mechanic	0



	Foreman - Crew	1
	Foreman - Main Crew	2
	Foreman - Service Crew	2
	Maintenance Mechanic II	1
	Maintenance Worker II	9
	Maintenance Worker III	5
	Superintendent	1
		<hr/>
		31
<b>Self - Insurance</b>		
	Risk and Safety Coordinator	1
	OCIP Coordinator	1
		<hr/>
		2
<b>Sanitary Sewers</b>		
	System Superintendent	1
	Foreman	2
	Equip Op II	15
	Maint Worker III	1
	Engineer Aide IV	0
	Engineer Aide III	1
		<hr/>
		20
<b>WWTP</b>		
	Maint Supv	1
	Belt Press Op I	3
	Cert Oper/Shift Sup	6
	Chemist	0
	Operations Supv	1
	Elec/Elect Field Eng	1
	Elec/Inst Tech	1
	Utilities Div Manager/Environ	1
	Utility Engineer	1
	Utility Clerk Typist	1
	Env Prog Coord	1
	Equip Op II	1
	Lab Supv	1
	Lab Tech	5
	Maint Worker II (Mech)	3
	Maint Worker III	4
	Pump Tender (Fritz Is)	4
	Secretary	1
	Serv Utility Person	7

Sew Plant Op I (6th St.)	4
Sew Plant Op I (Fritz Is)	2
Sew Plant Op II (Fritz Is)	2
Superintendent	1
Tradesman (Elec)	2
	<hr/>
	54

## **Recycling**

Chief Clerk	0
Solid Waste Supervisor	1
Clerk Typist II	1
Solid Waste Coordinator/Environmentalist	1
	<hr/>
	3

## ***Number of Full Time Employees***

BILL NO. \_\_\_\_\_2008

**AN ORDINANCE**

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 6 CONDUCT BY CREATING A NEW SECTION 402 OF PART A ENTITLED “FAILURE TO REPORT LOST OR STOLEN FIREARMS”, WHICH WILL REQUIRE PROMPT NOTIFICATION TO AUTHORITIES OF LOST OR STOLEN FIREARMS AND IMPOSE PENALTIES.**

**THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** To amend the City of Reading Codified Ordinances, Chapter 6 Conduct by creating a new Section 402 of Part A as attached hereto in Exhibit “A”.

**SECTION 2.** That all existing sections of Chapter 6, Part A, are hereby renumbered accordingly.

**SECTION 3.** This ordinance shall become effective in ten (10) days of approval in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

# EXHIBIT A

#### Section 402. Failure to Report Lost or Stolen Firearms

1. **Prohibited Conduct.** No person who is the owner of a firearm that is lost or stolen shall fail to report the loss or theft to appropriate officials of the Reading Police Department within 24 hours after discovery of the loss or theft.
2. **Penalties for Violation.** Any person who violates this Section shall be subject to a fine of not more than \$1,000.00, or imprisonment for not more than 90 days, or both.

BILL NO.\_\_\_\_-2008

AN ORDINANCE

LEVYING THE TAXES FOR THE FISCAL YEAR BEGINNING THE FIRST DAY OF JANUARY, 2009, AND ENDING THE THIRTY-FIRST DAY OF DECEMBER, 2010.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

**SECTION 1.** A tax of ten and nine tenths mills (.0109) on the dollar, or one dollar and nine cents (\$1.09) on each one hundred dollars is hereby levied and assessed for the fiscal year beginning the first day of January, 2009, and ending the thirty-first day of December, 2010 on all property in the City of Reading taxable for County purposes.

**SECTION 2.** All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance.

**SECTION 3.** This Ordinance shall be effective January 1, 2009, said date being the beginning of the fiscal year of the City of Reading.

Enacted\_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**B I L L   N O. \_\_\_\_\_ 2008**  
**A N   O R D I N A N C E**

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES  
CHAPTER 27 ZONING BY PROHIBITING ALL RENTAL USES IN AREAS ZONED  
FOR LOW DENSITY RESIDENTIAL PURPOSES - R-1, R-1A and R-2.**

**WHEREAS**, as the City's Zoning Ordinance and Map allows residential rental uses – multi family and single family – in Penn Square, CN, CR, CC, R-PO, and R3, and

**WHEREAS**, over 50% of all residential properties in the City of Reading are rental properties the City's residential neighborhoods are plagued with quality of life problems such as inadequate parking, noise, overcrowding, heavy traffic, etc., and

**WHEREAS**, as the Fair Share Doctrine allows municipalities to exclude certain uses from specific areas if that use is provided in a reasonable geographic area, residential rental, single family and multi-unit, uses are hereby prohibited from areas zoned R-1, R-1A and R-2 to protect the quality of life in these low density residential zones

**NOW THEREFORE, THE CITY OF READING CITY COUNCIL HEREBY ORDAINS  
AS FOLLOWS:**

**SECTION 1.** Amending the City of Reading Codified Ordinances - Chapter 27 Zoning by prohibiting all rental uses in R-1, R-1A and R-2 low density residential zoning districts.

**SECTION 2.** Requiring all existing rental properties in R-1, R-1A and R-2 zoning districts to register their property's pre-existing, non-conforming status within 30 days of the enactment of this ordinance. Registering the property by this date will allow the property to continue its use. If the pre-existing, non-conforming use is not registered by the stated date, the use will be considered abandoned and the property must be converted to a use permitted in the zone within 6 months.

**SECTION 3.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or re-passage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2008

**BILL NO. \_\_\_\_\_-2008**

**AN ORDINANCE**

AN ORDINANCE OF THE CITY OF READING TO ADOPT AN AMENDMENT TO THE ZONING ORDINANCE UNDER THE AUTHORITY OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, THE CITY COUNCIL OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA HEREBY ADOPTS THE FOLLOWING AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF READING TO CREATE A NEW RR RIVERFRONT REDEVELOPMENT OVERLAY ZONING DISTRICT AND TO APPLY THE NEW DISTRICT TO LANDS FROM THE CENTERLINE OF THE SCHUYLKILL RIVER TO AREAS TO THE EAST AND NORTHEAST OF THE RIVER, INCLUDING AREAS GENERALLY SOUTH AND SOUTHWEST OF FRANKLIN ST, ALONG BOTH SIDES OF S. 2<sup>ND</sup> ST. AND RIVERFRONT DR., AND ALONG BOTH SIDES OF CANAL STREET INCLUDING AREAS SOUTH OF LAUREL ST., SOUTH OF WILLOW ST., WEST OF S. 7<sup>TH</sup> ST. AND NORTH OF SOUTH ST. AND AS SHOWN IN MORE DETAIL ON THE ATTACHED RR ZONING OVERLAY DISTRICT MAP

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The Zoning Ordinance of the City of Reading is amended per attached Exhibit "A" to create a new RR Riverfront Redevelopment Overlay Zoning District and to apply the new district to lands from the centerline of the Schuylkill River to areas to the East and Northeast of the River, including areas generally South and Southwest of Franklin St, along both sides of S. 2<sup>nd</sup> St. and Riverfront Dr., and along both sides of Canal Street including areas South of Laurel St., South of Willow St., West of S. 7<sup>th</sup> St. and North of South St. and as shown in more detail on the attached RR Zoning Overlay District Map attached hereto as Exhibit "B."

SECTION 2. SEVERABILITY. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The City Council hereby declares that it would have passed this Amendment and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION 3. REPEALER. Any specific provisions of the City of Reading Zoning Ordinance, Subdivision and Land Development Ordinance or any other City ordinance or resolution that is in direct conflict within this Zoning Amendment are hereby repealed as they affect the RR Overlay District.



SECTION 4. All other provisions of the City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances shall remain unchanged and in full force and effect.

SECTION 5. Effectiveness of Ordinance. This Ordinance will become effective in accordance with Charter Section 219.

Enacted \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
City Clerk  
(LAW DEPT.)

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

# EXHIBIT A

**The City of Reading Zoning Ordinance, Section 27-101 et seq. of the City of Reading Codified Ordinances is hereby amended and added to as follows:**

Part 1. The following new definition is added to Section 27-2202:

“Tract, Total Area of the” the total lot area of a single lot(s) in common ownership or common equitable ownership at the time of submittal for subdivision, land development or planned residential development approval. The Total Area of the Tract shall not include areas within the existing rights-of-way of existing streets, but may include portions of the lot proposed for new streets or proposed for new common open space or recreation land.”

Part 2. The following is added to Section 27-701:

“H. RR Riverfront Redevelopment Overlay District”

In Section 27-502, add the following: “A. However, the RR Overlay District shall function in relation to the underlying zoning district, as provided in Section 27-815.”

Part 3. The following is added as Section 27-702.H., regarding purposes:

“H. RR Riverfront Redevelopment Overlay District - This district recognizes an area of Reading that is uniquely situated compared to other areas of the City. This district allows optional types of future development and adaptive reuses consistent with such uniqueness. This area is also unique in terms of its size because it potentially includes over 20 acres of redevelopment land. This RR Overlay District is intended to:

1. Promote redevelopment that enhances the Schuylkill Riverfront, in recognition of its value to the City, while making better use of underutilized lands.
2. Promote appropriate mixtures of compatible uses that provide for a variety of employment opportunities and housing types, including mixtures of business and residential uses in the same building.
3. Improve the public’s access to the river and maximize the visibility of the riverfront.

4. Allow persons to live, shop and work on the same tract of land, in order to reduce total vehicle traffic in the City and reducing commuting distances, while promoting use of public transit.
5. Carry out the purposes of the Traditional Neighborhood Development (TND) and the purposes of the Planned Residential Development (PRD) provisions of the State Municipalities Planning Code, which are hereby included by reference.
6. Encourage new development to occur in a compact neighborhood-oriented manner that will be consistent with traditional patterns and scale of development, and that creates a sense of place.
7. Promote housing that serves various types of households.
8. Allow modification of certain requirements through the PRD process by the Planning Commission.
9. Promote a pedestrian-orientation through the development that includes a mix of commercial and residential uses.”

Part 4. The following is added as a new Section 27-815:

“27-815. RR Riverfront Redevelopment Overlay District.

- A. Boundary. The RR District is hereby established, which shall include the geographic area shown in Exhibit A, which is attached and incorporated herein by reference. The Official Zoning Map shall be considered to have been amended to show the boundaries of the new RR Overlay District.
- B. Applicability and Phasing.
  1. The RR Overlay District is an optional zoning district that overlays the underlying zoning district. An applicant shall have the option of developing property under the RR District or under the underlying district. Once a final Planned Residential Development (PRD) plan is approved under the RR District, such land shall be developed under the RR District provisions and not the underlying zoning district, unless the Planning Commission approves a zoning application to abandon the PRD approval, after the applicant has provided notice in writing to the Zoning Officer and the Planning Office.
    - a. Until such time as development is underway within a phase of development that was granted Final PRD approval, uses shall be allowed under the regulations of the underlying zoning district. Once a Final PRD Plan has been approved for a phase, then within the land area of that phase, only uses that are allowed in the RR Overlay District shall be allowed, provided that other lawful pre-existing uses may be continued as non-conforming uses.

2. Development in the RR Overlay District shall first require tentative and then final approval as a Planned Residential Development (PRD). The PRD approval process replaces the conventional subdivision and land development approval process. Once a PRD has been granted final approval by the City Planning Commission, then individual uses allowed in the RR Overlay District shall be permitted by right, provided they are consistent with the approved PRD Plan. If uses or development are proposed that are inconsistent with the approved PRD Plan, then the proposed PRD Plan revisions shall first be approved by the Planning Commission.
  3. The provisions of this RR Overlay District shall only be available to be utilized if the "total area of the tract" is greater than 10 acres in common ownership or common equitable ownership at the time of tentative PRD plan submission. For the purposes of the RR Overlay District, a tract may include lots that are separated from each other by a street, a railroad, a park, or an alley.
    - a. Once a Final PRD Plan has been approved, then individual buildings may be undertaken by various entities, provided there is overall compliance with the Final PRD approval and provided there is compliance with the City-approved phasing plan and a development agreement that have been approved by the City.
    - b. *See additional phasing provisions in Section 27-815.F. below.*
- C. Use Regulations. Within the RR Overlay District, land and/or structures may be used for any of the following permitted by right uses listed below and be combined together in one or more buildings, provided final PRD approval has been previously granted.
1. Single family detached dwellings
  2. One family semi-detached dwellings or Duplex dwelling.
  3. Apartment/Multi-Family Dwellings, which may include Mid-Rise or High-Rise apartments, provided the height requirement is met.
  4. One family attached dwellings (townhouses)
  5. Adaptive reuse of a building to convert building space into dwelling units and/or to increase the number of dwelling units, provided the density requirements of this Section are met .
  6. Amusement Arcade
  7. Bed and Breakfast Inn
  8. Surface, underground or structured parking areas as an accessory or principal use, provided that the area of surface parking lots shall not

comprise more than 50 percent of the total area of all lots within the tract, and provided that underground parking shall not be allowed within the 100 year floodplain

9. Business Services, which may include but is not limited to photocopying and custom printing
10. Catering, Preparation of Food for
11. Commercial Communications Tower/Antenna, that are attached to a building and that extend less than 25 feet above a principal building
12. Custom Crafts, manufacture and sale of (such as jewelry and handicrafts), or Artisan's Studio, or Retail craft shops such as, but not limited to, artisan shops, glass blower shops, ceramic tile maker shops.
13. Exercise Club, or Fitness facility
14. Financial Institution (which includes a bank but which does not include a check cashing establishment or pawn shop, each of which shall be considered a retail store)
15. Hotel or Motel, which may include a restaurant and conference center
16. Massage Therapy by a trained person certified by a recognized professional organization, not including an Adult Business
17. Newspaper Publishing and Printing
18. Offices of business, institution, profession, medical, or similar entity (see also Home Occupation)
19. Personal Services (such as barber shops, beauty shops, laundry and dry cleaning pick-up and delivery, and closely similar uses)
20. Recreation, Commercial, Indoor or Outdoor, other than an outdoor motor vehicle race track.
21. Restaurant, which may include entertainment, provided that drive-through service shall be prohibited.
22. Municipal buildings and uses and other governmental facilities, but not including prisons, other correctional facilities and solid waste facilities
23. Retail store(s), which may include but is not limited to a supermarket or a farmers market, but not including an Adult Business
24. Tavern or Nightclub, which may include a Brew Pub that manufactures alcoholic beverages for on-site and off-site sale
25. Theater (not including an "Adult Business"), Performing Arts Facilities, Civic and/or Cultural Facility, Arena, Museum, Canal, Amusement Park, Water Park, Aquarium, Sports Stadium, Gymnasium or Auditorium
26. Trade School or Similar Educational Institution
27. Veterinarian, other than Kennel
28. Research and Development, Engineering or Testing Facility or Laboratory
29. Adult day Care Center
30. Day care facilities, which may also include Nursery School, Pre-School or "Head Start" program center
31. College or University, which may include dormitories for full-time students and staff.
32. Museum or Visitor's Center, and which include accessory retail sales

33. Nursing Home or Personal Care/Assisted Living Home or Congregate Care Housing Retirement Community
34. Community Center or Resident/Employee Recreation Center, Non-Profit
35. Social club meeting facilities
36. Public Park, Playground or other publicly-owned or publicly-operated recreation facilities or non-commercial outdoor recreation areas
37. Boat Dock, Wharf or Marina
38. Swimming Pools, public or private
39. Bus stops, bus passenger shelters and taxi waiting areas
40. Indoor vending and amusement machines, not including gambling machines
41. Public Utilities meeting Section 27-1203, including but not limited to electric substations and sanitary sewage facilities, but not including vehicle garages, warehouses, storage yards or freestanding commercial communications towers
42. Accessory use and/or structure on the same lot and customarily incidental to a lawful principal use
43. Community special event facilities, which may include tents, awnings and displays
44. Family Child Care Home
45. Group Child Care Home or Child Day Care as a principal use
46. Home crafts under the provisions of Section 27-1007
47. Home computer/internet occupations under Section 27-1006, or Home Professional Occupations under Section 27-1202 or Home Occupation, or No Impact Home Based Businesses as defined by the Pennsylvania Municipalities Planning Code. If a dwelling unit is designated on the Final PRD Plan as being a "Live Work Unit", then the requirement that the home occupation area is limited to 25 percent of the dwelling unit floor area may be increased to 50 percent.
48. Sales or rental office, which may include model units, provided that any temporary modular sales/rental building shall be limited to use during the first year of construction
49. Warehousing as an accessory use to the permitted principal use of the lot, provided the warehousing does not occupy more than 25 percent of the floor area of the building
50. Places of Worship
51. *Private or Public Primary or Secondary School*

D. Site Layout and Dimensional Regulations.

1. The following Area, Yard and Building Regulations shall apply for all uses approved within a PRD, whichever is most restrictive.
  - a. Maximum Residential Density                      75 Dwelling Units/Acre \*
  - b. Minimum Lot Area                                      10,000 square feet, provided that

- 1,600 square feet for townhouses and for commercial uses fronting upon a pedestrian-oriented commercial street
- c. Minimum Lot Width 50 feet, provided that 20 Feet shall be allowed for townhouses and commercial uses fronting upon a pedestrian-oriented commercial street\*\*
- d. Minimum Building Setback for a new building from an abutting lot line at the perimeter of the tract 15 Feet, except a minimum of 30 feet from a residential district boundary for a building of greater than 40 feet in height.
- e. Minimum Front Yard Setback 0 Feet
- f. Minimum Rear Yard Setback 0 Feet
- g. Minimum Side Yard Setback 0 Feet
- h. Maximum Building Coverage 80%\*\*\*
- i. Maximum Building Height 140 Feet, except 200 feet for portions of buildings that are more than 200 feet from a principally residential lot that is outside of the PRD.
- j. Buffer Yard Required No, except an 8 feet wide buffer yard shall be required if a pre-existing principal dwelling in a residential district is adjacent or across a street or alley from a new principal business use and such dwelling is not within the RR Overlay District
- k. Site Plan Review by City Planning Commission Yes
- l. River Front Building Setback Minimum of 50 feet from the top of the bank of the Schuylkill River or a structural wall or improved water's edge along the Schuylkill River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan. Pedestrian access may be placed within this setback.
- m. Each single family detached, single family semi-detached or single family attached dwelling shall have a private outdoor area including a minimum

um  
area of 300 square feet for the exclusive use of that dwelling unit.  
Such  
outdoor area may be a rear or side yard, a porch, a balcony, a deck,  
an  
improved rooftop recreation area with railings, or a similar feature.

- \* The Maximum Residential Density shall be based upon the total area of the tract, before the deletion of rights-of-way of proposed streets and before the deletion of open space. Dwelling units may be located within the same building as allowed non-residential uses, provided such mixture of uses is consistent with the Tentative PRD Plan.
  - \*\* Individual uses or buildings may be owned in a condominium arrangement, without each condominium unit needing to meet the minimum dimensional requirements (such as lot width and yards), provided that the applicant shows that the development would have been able to meet the dimensional requirements if individual lot lines had been established.
  - \*\*\* The Maximum building coverage shall be based upon the ground level footprint of all buildings on the tract divided by the total area of the tract. Individual lots may have a higher building coverage, provided that the maximum is not exceeded for the tract. Underground parking that is covered by vegetation or a pedestrian plaza shall not count as building area for the purposes of this Section. The City may require that certain lots include a deed restriction limiting their maximum coverage to ensure that the maximum overall coverage requirement is met across the tract over time. For each 1,000 square feet of building floor area that achieves Certification or a higher level under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System, an additional 300 square feet of building coverage shall be allowed above the maximum.
2. Fire Access. The applicant shall prove to the satisfaction of the Planning Commission, after a review by the City Fire Department, that all buildings will be adequately accessible by fire apparatus. The applicant should use a computer program to show that adequate access will be available for the largest vehicles used by the Fire Department, including provisions for turn-arounds. The City may require that buildings be sufficiently separated to allow firefighting access. Where streets or parking areas do not provide adequate access to various sides of a building, the City may require that a pedestrian pathway be constructed with sufficient paving depth and width so that the pathway will be suitable for use by fire



trucks. Where there is no need for a pathway, the City may require other provisions for fire truck access, such as a stabilized surface under grass.

3. Minimum Business Uses. A minimum of 5 percent of the total floor area of all enclosed buildings after completion of the development of the tract shall be occupied by business uses. Areas used for vehicle parking shall not be considered in this calculation.
4. Open Land. A minimum of 10 percent of the total lot area of the tract shall be set aside in open land that is available for active and passive outdoor recreational use by the residents and employees of the tract, or by the general public. Such open land shall be maintained in existing trees or may be planted with new trees and shrubs or improved for outdoor recreational facilities. Such open land shall be regulated by a Conservation Easement or Deed Restriction established by the applicant and enforceable by the City of Reading, which prohibits the construction of buildings and the further subdivision of the required open land.
  - a. Outdoor recreational facilities shall be landscaped and may include *pathways, pedestrian outdoor courtyards* and structures typically included in active and passive recreational areas. Areas *within a street right-of-way and areas* used for buildings or vehicle parking shall not count towards the open land requirement, except rooftop active recreation facilities that are available to all residents of the building and/or tract *may count towards up to 50 percent of the required open land areas. Required open land areas may be designed to be under a roof during inclement weather or under a awning or similar feature.*
  - b. Unless dedicated to and accepted by the City of Reading as part of a final PRD plan, such open land shall be owned and maintained by a legally binding association of property owners on the Tract. The form of the property owners legal documents shall be subject to review by the City Department of Law. If there is mutual written agreement between the applicant and the City, part or all of the open land may be maintained as a public park.
  - c. The open land shall be focused on taking advantage of the riverfront by providing for substantial public access along the banks of the river. Some of the open land may also serve the purpose of buffering residences from high traffic roads.
  - d. The Planning Commission may approve a portion of the open land requirement being met by the applicant making recreation improvements to existing adjacent City-owned parkland, provided the extent of the improvements are specified and provided that the City Council approves a list of such improvements. The City Council may approve a lease of parkland for the purposes of allowing an applicant to make improvements to City parkland.

5. Riverfront Access. The RR Overlay District offers great flexibility to the developer as an optional form of development. In return for such flexibility, a developer shall only be eligible to use this RR Overlay District if the developer commits to providing public access to and along all portions of the Schuylkill Riverfront that are under the control of the applicant. The tract shall be designed to provide continuous public pedestrian and bicycle access from sunrise to sundown, at a minimum, from public streets to the riverfront, and then along the length of the riverfront along the entire tract. Such public access shall be provided upon completion of each phase for land in that phase adjacent to the riverfront. Complete public access along the entire riverfront shall be provided upon completion of the development, including provisions for future extension of public pathways from the edges of the tract. The Planning Commission may approve alternative access through the tract if public access at a particular part of the riverfront is not feasible.
  - a. Such public access shall include a pedestrian pathway with a minimum hard-surfaced width of 10 feet and a public pedestrian access easement with a minimum width of 14 feet. Such pathway may also be open to maintenance vehicles and bicycles. Such pathway may be gated and may be closed to the public between *10 p.m. and sunrise on land that is privately controlled. Access to land that is controlled by a public agency shall be governed by that public agency.* Such riverfront pathway shall be illuminated and landscaped and shall connect with any existing or planned public trail adjacent to the tract.
  - b. The applicant shall describe how parking will be made available for members of the public who wish to use the riverfront recreation trail and any recreation facilities open to the public. This may include on-street parking with time limits, but does not necessarily need to involve free parking provided by the applicant.
  - c. Pedestrian public access points to the riverfront trail shall be available a maximum of 1,000 feet apart from each other, with each access point connecting to a street open to the public. Sufficient access shall also be available to the riverfront trail for maintenance vehicles. Except for police, motorized wheelchair and maintenance access, no motorized vehicles shall be allowed along the riverfront trail.
6. Surface Parking Location. If a new principal building is constructed that will be occupied primarily by retail uses, no new vehicle surface parking spaces shall be located in the area between the front wall of such building and the curblineline of the nearest public street. If such lot is

adjacent to two or more streets, this restriction shall only apply to one street. This provision shall not restrict parking that is located to the side or rear of such building.

E. Site and Building Layouts. The following provisions shall be applied to the tract to the satisfaction of the Planning Commission:

1. The tract shall include at least one pedestrian-oriented commercial street, with pedestrian entrances and pedestrian amenities along that street and with no off-street surface outdoor parking spaces located between such pedestrian-oriented street and the front of abutting principal buildings, except for loading/unloading spaces. Commercial establishments shall be placed along at least a portion of the street level building space along such pedestrian-oriented commercial street.
2. Along this pedestrian-oriented commercial street, a minimum of 50 percent of the front wall of each principal building shall not have a setback of greater than 40 feet from the curblane. The Planning Commission may approve a wider setback where appropriate to provide room for pedestrian amenities or an outdoor café.
3. The Final PRD Plan shall specify locations for garbage collection, business truck unloading areas and similar building services. Such locations shall be subject to approval by the Planning Commission to minimize conflicts with the pedestrian-oriented commercial street and dwellings.
4. The PRD shall have at least *one central focal point for each 2,000 feet of length of the development. Examples of such a focal point include a landscaped central green space and/or a pedestrian-friendly street that includes commercial uses.*
5. Feasibility of Addressing Site Issues. As part of a Tentative PRD application, the applicant shall provide written material describing methods that will be used to provide compatibility with any adjacent sanitary sewage facilities and to address safety with any underlying natural gas infrastructure.

F. Approval Process and Phasing. Development under the RR Overlay District shall require approval by the Planning Commission as a Planned Residential Development (PRD). The requirements and procedures for a PRD of the Pennsylvania Municipalities Planning Code are hereby included by reference.

1. A Tentative Plan submittal shall be made that includes the entire tract. *The Tentative Plan submittal shall state the following for the entire development and for each tentative phase: proposed number of dwelling*

*units, the floor area of non-residential uses, the amount and locations of open land, the proposed locations and heights of buildings, the proposed locations of off-street parking areas, the locations of loading areas, and sufficient other information to show the feasibility of the proposed development. A map shall show the tentative phasing plan.*

- a. The Tentative Plan submittal shall meet all of the requirements that would apply to a Preliminary Plan under the City Land Development and Subdivision Ordinance, *except that Tentative Plans do not need to be drawn at a scale larger than one inch equals 100 feet*, and except that the following submission requirements shall be deferred from the Tentative Plan to the Final Plan stage. Such deferral shall only occur if the applicant:
    - a) shows the general feasibility of such features and
    - b) commits to not construct improvements that will be dedicated to the City prior to receiving Final PRD Plan approval for the area that includes such improvements. *Such deferral may include the following:*
      - (1) Stormwater calculations
      - (2) Detailed grading and erosion and sedimentation control plans
      - (3) Proposed monuments
      - (4) Exact locations and species of plantings for landscaping plans
      - (5) Utility and street profiles
      - (6) Designs of culverts, man-holes, catch-basins and similar construction details
      - (7) Locations of proposed electric, telephone and cable television lines and water and sewage laterals
2. After review by the City Planning Office, City Engineer and Law Department, or their designees, and after the Tentative Plan has been offered for review by the County Planning Commission, the Tentative Plan shall be approved, approved with conditions or denied by the Planning Commission within the maximum time limits provided by the Pennsylvania Municipalities Planning Code, unless the applicant provides a written time extension.
    - a. The Tentative Plan may include a range of allowed uses in various areas, as opposed to identifying each specific use. The Tentative Plan shall show the preliminary layout of proposed streets, alleys, cartway widths, lots, public trails, recreation areas, major pedestrian and bicycle pathways, heights and uses of buildings, parking areas, major detention basins and proposed types of housing and non-residential uses.
    - b. The Tentative Plan is intended to show the inter-relationships and compatibility of various elements of the PRD. The Tentative Plan shall be to scale and be designed to show how the PRD will comply with the Zoning Ordinance.

3. After a Tentative Plan has been approved, a Final Plan shall be submitted, with any phasing occurring in logical self-sufficient phases. The Final Plan shall meet all of the same requirements that would apply to a Final Plan under the City Subdivision and Land Development regulations. The Final Plan shall need approval by the Planning Commission.
  - a. No sale of lots or construction of buildings (other than one temporary modular sales/rental building) shall occur until after all of the following requirements are met: (1) an approved Final PRD Plan for that phase has been approved by the Planning Commission and has been recorded, (2) the applicant has proven they have met any conditions upon approval, and (3) acceptable financial guarantees for improvements have been established.
4. *A Final Plan submittal shall be accompanied by an updated plan of the entire PRD at a Tentative Plan level of detail, which shall show portions previously approved, portions that have been built, the locations affected by the current Final Plan submittal, and the remaining phases of development. This overall plan shall also show compliance with density and open space land requirements.*
5. Phasing. As each phase of development is approved, the applicant shall provide evidence that the requirements of this RR Overlay District will be met at the conclusion of that phase, even if later phases of development would not be completed. This shall include, but not be limited to, providing evidence of compliance with the density, bulk, and open land requirements. The City Planning Commission may permit variations in specific requirements of these provisions for an individual phase, provided there will be compliance after the completion of the next phase. Each phase of development shall be developed in full coordination with prior and future phases, to ensure that proper traffic circulation and utility services will be provided, and to ensure general compliance with the Tentative Plan. For each phase, the applicant shall prove that the PRD will be able to properly function and will include suitable vehicle and pedestrian access and utilities even if later phases of the PRD are not built.
  - a. *A tentative phasing plan shall be submitted as part of the Tentative Plan and be updated as part of any Final Plan and should be updated at least once a year afterwards. The phasing plan shall show the geographic area of each phase and the anticipated order of the various phases and an approximate timeline for start and completion of construction. The applicant shall prove to the City Planning Commission that any changes to the phasing plan comply*

*with this Ordinance.*

- b. *After final plan approval, the developer shall be required to enter into a development agreement with the City to ensure the timely completion of required improvements, in coordination with the Phasing Plan.*
- c. If new dwellings are proposed adjacent to an existing industrial use, then the Planning Commission shall have authority to require provisions for transitional buffering and setbacks between those dwellings and any adjacent industrially zoned land. Such buffering and setbacks are intended to make sure that there will be a compatible border between dwellings and industrial uses, in case later phases are not developed.
  - (1) The Planning Commission may require that financial guarantees be provided by the developer to fund buffer plantings if adjacent phases are not built.
  - (2) The Planning Commission may require that a building setback be provided for dwellings from the edge of a future phase.
  - (3) If such future adjacent phase is completed in conformance with the Tentative PRD Plan, then such buffer and setback requirement is eliminated.
- d. If a particular Final Plan is not generally consistent with the approved Tentative Plan, then the applicant shall submit a revised Tentative Plan for acceptance by the City Planning Commission. However, the approved Tentative Plan is not required to be revised for matters addressed in the Final Plan that do not affect zoning ordinance compliance, such as adjustments in street alignments or changes in building shapes to reflect more detailed design.

G. Additional Requirements for a PRD.

- 1. Other Requirements. A PRD shall meet all of the requirements of the Zoning Ordinance and Subdivision and Land Development Ordinance that are not specifically modified by this Section or by the provisions of the Pennsylvania Municipalities Planning Code that governs PRDs.
- 2. Architecture. To carry out the intent of Traditional Neighborhood Development, as part of the final PRD submittal, the applicant shall submit a set of preliminary architectural sketches and the substance of draft architectural covenants to the Zoning Officer, the Planning Office, the City Department of Law and the City Planning Commission for review and comment. The applicant shall also submit a Manual of Written and Graphic Design Guidelines. Such provisions shall be prepared with the involvement of a Registered Architect. The applicant shall establish a set

of architectural covenants as a condition of final plan approval, prior to the recording of such plan.

- a. No new principal building shall have a front facade that is primarily constructed using vinyl siding.
  - b. New street lights within the PRD shall have a decorative design with a maximum total height of 22 feet using a design pre-approved by the City.
  - c. The applicant should describe any environmental friendly and energy efficient measures that are intended to be incorporated into the construction, such as use of rooftop gardens or green roofs.
3. Covenants. The City may also require covenants or conditions upon the plan to address setbacks, landscaping, pedestrian access, fire access, street improvements, utility improvements, access by the public to certain recreation areas, park improvements and other matters necessary to carry out the intent of this Overlay District.
4. Public Access. The Tentative Plan and Final Plan shall each describe the locations and extent of public access to the Schuylkill Riverfront.
5. Traffic Study and Improvements. As part of the Tentative Plan submittal, the applicant shall submit a Traffic Impact Study to the City. Such study shall assess current traffic conditions, the amount of traffic expected to be generated by the total development *during peak hours, the impacts of the development upon traffic in the surrounding area, any resulting reductions in levels of service below a level of "C" at intersections and highway ramps*, and measures that the applicant proposes to complete or fund to mitigate the impacts, *such as street improvements and/or assistance in funding transit services*. Such Traffic Impact Study shall be updated as needed as each phase is submitted. If diagonal parking is proposed along a street, the Traffic Impact Study shall assess the safety of such parking in that location.
  - a. The Traffic Impact Study shall analyze issues involving truck traffic, particularly to avoid conflicts between new dwellings and late night truck traffic, while also addressing peak hour congestion.
  - b. *The Traffic Impact Study shall be prepared under the direction of a professional with substantial experience in preparing traffic impact studies. The qualifications of such person shall be included in the report.*
6. *For lots within a Historic District that is regulated by the City of Reading*

*Historic Districts Ordinance, the applicant shall also comply with such Ordinance.*

- H. PRD Modifications. As authorized by the TND and PRD provisions of the Pennsylvania Municipalities Planning Code, specific zoning and subdivision and land development regulations that apply to a PRD application may be modified by the Planning Commission after receiving a written request from the applicant. Such modifications shall be allowed where the applicant proves that an alternative standard would meet the same public objective and would serve the purposes for a PRD and/or TND as provided in State law. Such modifications shall be limited to street standards, setback requirements, sidewalk and curb standards, improvement requirements, and technical engineering requirements. The Planning Commission shall consider recommendations of the City Engineer or designee before approving any modifications to street, improvement and rights-of-way requirements.
1. As another option, the applicant shall also have the additional option of submitting an application for a zoning variance to the Zoning Hearing Board, in the same manner as would apply to other sections of the zoning ordinance.
  2. Such modification may include, but is not limited to, the following street rights-of-way and cartway widths:
    - a. A collector street with two-way traffic may be constructed with two travel lanes of 11 feet each, 8 feet wide parallel parking lanes, a 4 feet wide planting strip with street trees on each side of the street (which may utilize tree wells), pedestrian sidewalks on each side of the street that are a minimum of 5 feet in width *except 8 feet in width in front of principal commercial uses*, and a right-of-way width that includes the width of the required sidewalk.
    - b. A local street with two-way traffic may be constructed with two travel lanes of 10 feet each, 8 feet wide parallel parking, a 4 feet wide planting strip (which may utilize tree wells) with street trees on each side of the street, pedestrian sidewalks on each side of the street that are a minimum of 5 feet and a minimum right-of-way width that includes the required width of the sidewalk.
    - c. An alley serving two-way traffic may be constructed with a 16 feet wide cartway and a 5 feet wide minimum setback between the travel lane and any rear garage, *provided that parking is prohibited within the cartway. Along any side of an alley along which parallel parking is allowed, an additional 8 feet of paved width shall be required.*
    - d. The Planning Commission may require wider cartway widths as needed, considering the results of the Traffic Impact Study.
  3. Any street within the RR Overlay District, whether public or private, shall



meet the same minimum construction material requirements as any new street intended to be dedicated to the City under City ordinances, or as otherwise approved by the City.

- a. Pedestrian sidewalks with a minimum width of 5 feet and street trees meeting requirements of the City shall be required on each side of every street, unless the applicant proves to the Planning Commission that an alternative pathway open to the public will provide the same level of pedestrian access. *The minimum width of sidewalks shall be increased to 8 feet in front of principal commercial uses. Tree grates or similar measures may be used and permitted outdoor cafes may intrude into the sidewalk, provided a 4 feet continuous pedestrian and wheelchair accessible pathway is provided along the sidewalk.* A minimum average of one street tree shall be required for each 40 feet of street length, unless existing trees will be preserved to serve the same purpose.
- I. Off-Street Parking and Loading Regulations. The requirements of Part 16 of the Zoning Ordinance shall apply, except for the following modifications:
1. Off-street parking may be shared by various uses and lots within the RR Overlay District provided that the developer shall demonstrate to the Planning Commission that sufficient parking is provided on the Tract that is within 500 feet of walking distance from the pedestrian entrance of the use that is served by the parking. The applicant shall prove that shared parking will continue to be available to all of the uses that are served by the parking during the life of those uses.
  2. The amount of Off-Street Loading requirements shall be determined by the Planning Commission upon review of the proposed uses of each Phase of the Tentative PRD Plan.
  3. Under the authority to modify requirements as part of a PRD, the Planning Commission may reduce the required amount of off-street parking by up to 30 percent based upon:
    - a. the applicant's traffic study and parking study, *provided the parking study analyzes current and anticipated on-street and off-street parking demand and supply within the PRD and at least one block in each direction,*
    - b. the ability of various uses to share parking, particularly if those uses have different period time periods of peak parking demand,
    - c. commitments by the applicant to fund or provide transit services for residents, customers and patrons, such as connections to an off-site parking area, and
    - d. the availability of public transit and/or any shuttle or trolley service

that may be provided during periods of peak parking demand.

4. For development under the RR Overlay District, new off-street vehicle parking spaces shall not be located within 100 feet from the top of the bank of the Schuylkill River or a structural wall along the Schuylkill River, based upon conditions that will exist after the development is completed, based upon the approved Final PRD Plan.
  5. An applicant may meet a maximum of 25 percent of the off-street parking space requirements for each use by counting new on-street spaces adjacent to the curb along a street adjacent to the use.
- K. Preserved Open Land. The method of ownership and maintenance of the preserved open land shall be approved by the Planning Commission as part of the PRD approval. Any later changes to the preserved open land ownership or use that was not part of the PRD approval shall need Planning Commission approval.
1. Required preserved open land shall be preserved through a permanent conservation easement that is enforceable by the City. The legal form of the documents concerning the preserved open land shall be approved by the City Department of Law, or designee.
  2. The preserved open land shall be improved so that it is suitable for its intended use, including the planting of trees and shrubs where existing trees and shrubs will not be maintained.
  3. Methods for ownership of the preserved open land shall utilize one of the following: a) dedication to the City for public recreation if the City agrees in advance to accept it, b) dedication to a property-owners association, with each owner of property within the PRD legally required to annually fund their share of the maintenance of the open land, c) retention by the owner of a rental housing development, or d) another suitable method that is specifically approved by the Planning Commission.

## Part 5. Sign Regulations

The following is added as a new Section 27-1726:

“Signs Within the RR Overlay District.

In the RR – Riverfront Redevelopment Overlay District, signs shall meet the requirements that apply in the C-C district, except that the Planning Commission may approve modifications to sign provisions under the PRD provisions, in response to a written request from the applicant. In no case shall more than one freestanding sign be allowed per building per street frontage. In addition, a

professional sports stadium may also include one 200 square feet freestanding sign with up to 2 sides. Signs that are not readable from a street and from beyond the property line are not regulated by this Section. ”

Part 6. Table of Contents

*The table of contents of the Zoning Ordinance shall be revised to incorporate this zoning ordinance amendment, including the following:*

*Add the new Section 27-1726 entitled “Signs Within the RR Overlay District.”*

*Add the new Section 27-815 entitled “RR Riverfront Redevelopment Overlay District.”*

EXHIBIT B

**Land Area to Be Included in the  
RR Riverfront Redevelopment Overlay District**

## **MEMORANDUM**

**TO: Council of the City of Reading**

**FROM: Douglas Paul Rauch, Esquire**

**RE: Tax and Revenue Anticipation Notes of the City of Reading**

**DATE: December 8, 2008**

As you know, tax and revenue anticipation notes ("TRANs") are issued by municipal governments such as the City of Reading ( the "City") for the purpose of providing cash to fund the deficits that can exist in such municipal governments' general funds between the time that taxes are levied and the time that the revenues from such taxes are received. This mechanism of funding short term deficits prior to the receipt of taxes and other revenues is a common financing mechanism used throughout the Commonwealth of Pennsylvania (the "Commonwealth"). The City has utilized this cash flow tool in the past, as recently as 2007. In addition, prior to the time the TRAN proceeds are needed, the City may have the opportunity to invest certain proceeds of the TRAN for the purpose of obtaining a small return on such funds over and above the amount required to repay the TRAN.

Attached to this Memorandum is a draft Resolution for your consideration for adoption at the Monday, December 22, 2008, meeting of the Council of the City ("Council"). Although the Resolution does not include a dollar amount for the TRAN at this time, it is expected that the final amount will be at least \$ 6,000,000.00. A final form of Resolution will be distributed to you prior to the December 22<sup>nd</sup> meeting which Resolution will include the final amount calculated to be necessary to fund the anticipated initial general fund deficit.

The Resolution contains standard provisions required by the Local Government Unit Government Debt Act of the Commonwealth of Pennsylvania (the "Debt Act"), and certain other requirements with respect to federal income tax laws and regulations. In addition, the Resolution authorizes the acceptance of the purchase proposal of Wachovia Bank, National Association. The proposal will be attached to the final form of the Resolution to be considered by Council.

Although by law the Resolution and certain related certificates must be executed and filed with the Department of Community and Economic Development of the Commonwealth of Pennsylvania ("DCED"), under the law the City does not need the approval of the Commonwealth to issue the TRAN. The TRAN will be effective when these documents are filed with the Commonwealth and when DCED's acknowledgement of receipt of such documents is received by or on behalf of the City. In addition, the issuance of the TRAN by the City will not affect the borrowing capacity of the City.

It is anticipated that settlement for the TRAN will take place on January 2, 2009. In addition to the documents prepared for filing with the DCED, our office will prepare a number of required closing documents consisting of certificates, receipts and opinions. Chief among these is an opinion stating that the interest payable to the holder of the TRAN is free from taxation for federal and state income tax purposes. Obviously, timing is crucial to a successful consummation of this transaction. The attorneys at our office have a great deal of experience and expertise in these matters, and have successfully completed these transactions for the City in the past in a timely, responsive and efficient fashion.

It is important to note that this is a specialized transaction. Although the City Solicitor is well versed in general municipal matters, as with most municipal solicitors, municipal finance matters are almost universally outside of a municipal solicitor's area of expertise. In addition, financial institutions such as Wachovia Bank, National Association, generally will accept the so called "tax-free opinion" only from independent finance counsel, with a well recognized expertise in municipal finance. Consequently, the City Solicitor is effectively prevented from undertaking the necessary legal work even if the City Solicitor expressed his desire to do it.

**CITY OF READING**

**RESOLUTION NO. \_\_\_\_\_**

**Adopted December 22, 2008**

AUTHORIZING THE ISSUANCE OF A TAX AND REVENUE ANTICIPATION NOTE, SERIES OF 2009, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$3,000,000; PROVIDING FOR THE DATE, INTEREST RATE, MATURITY DATE, PAYMENT AND PLACE OF PAYMENT IN RESPECT OF THE NOTE; ACCEPTING THE PROPOSAL ATTACHED HERETO AS EXHIBIT "B" FROM THE FINANCIAL INSTITUTION NAMED THEREIN FOR THE PURCHASE OF THE NOTE; NAMING A SINKING FUND DEPOSITARY/PAYING AGENT; AUTHORIZING THE PROPER OFFICERS OF THE CITY TO EXECUTE AND DELIVER THE NOTE AND CERTAIN OTHER DOCUMENTS AND CERTIFICATES IN CONNECTION THEREWITH; AUTHORIZING AND DIRECTING THE PREPARATION, CERTIFICATION AND FILING OF THE NECESSARY DOCUMENTS WITH THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT OF THE COMMONWEALTH OF PENNSYLVANIA; SETTING FORTH A FORM OF THE NOTE.

WHEREAS, the City of Reading, Pennsylvania (the "City"), anticipates receiving taxes and other revenues during the fiscal year ending December 31, 2009, which taxes and other revenues are currently uncollected; and

WHEREAS, the City has estimated, on a monthly basis, its expected taxes, revenues and expenditures for the fiscal year ending December 31, 2009, and has determined that during a portion of such fiscal year it may experience a "cumulative cash flow deficit" as such phrase is defined in the regulations promulgated under Sections 103 and 148 of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the City has determined to authorize the mechanism which will enable it to borrow monies for the purpose of funding, in part, such cumulative cash flow deficit by issuing notes to be repaid from the anticipated taxes and revenues, all in accordance with the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, as reenacted and amended (the "Debt Act"); and

WHEREAS, as required by Section 8126 of the Debt Act, officials of the City has heretofore made an estimate of the taxes and revenues to be received during such fiscal year ending December 31, 2009, and, by their execution of a certificate with respect thereto dated this date, have certified to such estimate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Reading, Pennsylvania, in lawful session duly assembled as follows:

Section 1. For the reasons and purposes recited above, the City hereby exercises its power and authority to borrow money and authorizes the issuance and sale of its Line of Credit Tax and Revenue Anticipation Note, Series of 2009, in an aggregate principal amount of \$3,000,000 (the "Note") in anticipation of the receipt of current taxes and revenues during the fiscal year ending December 31, 2009, such Note to be issued, sold and delivered as hereinafter provided.

Section 2. The President of the Council of the City ("Council"), attested by the City Clerk, is hereby authorized and directed, in the name and on behalf of the City, to prepare and file with the Department of Community and Economic Development of the Commonwealth of Pennsylvania a certified copy of this Resolution, a certificate setting forth the taxes and revenues remaining to be collected in the fiscal year ending December 31, 2009 and a true copy of the accepted Proposal for the purchase of the Note, all as set forth in and required by Section 8127 of the Debt Act. The Mayor, attested by the City Clerk, is also hereby authorized and directed, in the name and on behalf of the City, to prepare and verify a certificate, in accordance with Section 103 and 148 of the Code and the regulations applicable thereto (if applicable), setting forth the anticipated use of the proceeds, to prepare and deliver to the Purchaser of the Note the certificate required by Section 8127 of the Debt Act relating to the total amount of the City's tax and revenue anticipation notes outstanding on the date of delivery of the Notes (the "Certification"), and to take any and all other action, and to execute and deliver any and all other documents and instruments, as may be necessary, proper or desirable to effect the issuance and sale of the Note as contemplated herein. The certification made on the date of adoption of this Resolution by the aforementioned officials of the City, relating to the amount of taxes and other revenues remaining to be collected by the City in the fiscal year ending December 31, 2009, is hereby ratified and approved.

Section 3. (a) The Note shall be designated "City of Reading, Pennsylvania Line of Credit Tax and Revenue Anticipation Note, Series of 2009," shall be in registered form, without coupons, shall be noncallable prior to maturity, shall be in a denomination of Three Million Dollars (\$3,000,000), shall bear interest at the rate of interest set forth in the Proposal attached hereto as Exhibit "B" from the date of delivery until maturity, shall mature on December 31, 2009, and shall be payable as to principal and interest at the place and in the manner and be otherwise in substantially the form set forth in the form of Note attached as Exhibit "A" hereto and the Proposal attached hereto as Exhibit "B." The Note is not subject to redemption prior to maturity.

(b) The Note shall be dated for convenience as of January 2, 2009, but shall not be effective until the City has delivered to the Purchaser (as hereinafter defined) each of the following, and shall be outstanding only to the extent of the amount requested to become effective (in an aggregate amount not to exceed \$3,000,000):

(i) an opinion of Charles Younger, Esquire, Solicitor to the City, or his successor, in form and substance satisfactory to the Purchaser;

(ii) as appropriate, an approving opinion of Setley, Rauch &



Bucolo, LLC ("Bond Counsel"), to the effect that interest on the Note will not be includable in gross income of the holder thereof for federal income tax purposes and in

form and substance satisfactory to the Purchaser;

(iii) the Certification required pursuant to Section 8127 of the Act, dated the date of delivery thereof; and

(iv) such other certificates of instruments reasonably required by the Purchaser and Bond Counsel.

Section 4. The Note shall be executed by the Mayor of the City, shall have the corporate seal of the City affixed thereto, and shall be duly attested by the City Clerk. The Mayor is further authorized and directed to deliver the Note to the Purchaser hereinafter provided and to execute and deliver such other documents and instruments, attested by the City Clerk, and to take such other action as may be necessary or appropriate to effect the issuances and sale of the Note in accordance with this Resolution and the Debt Act.

Section 5. The Note shall be a general credit obligation of the City, and, together with any other tax and revenue anticipation notes issued, or to be issued, the City during the City's fiscal year ending on December 31, 2009, shall, upon issuance thereof, be equally and ratably secured by a pledge of, security interest in, and a lien and charge on, the taxes and other revenues to be received by the City during the period, when the Note is outstanding; and the Mayor, attested by the City Clerk, is hereby authorized and directed to prepare and file, or to have filed, such financing statements as may be necessary to fully perfect such pledge, security interest, lien and charge pursuant to the Pennsylvania Uniform Commercial Code and Section 8125 of the Debt Act.

Section 6. The City hereby covenants that it will not make any use of the proceeds of the Note or do or suffer any other action which, if such use or action had been reasonably expected on the date of issuance of the Note, would cause the Note to be an "arbitrage bond" as such term is defined in Section 148 of the Code and the regulations applicable thereto and further covenants that it will comply with Section 148 of the Code, and with any regulations applicable thereto, throughout the term of the Note, including, without limitation, any requirements relating to a rebate of certain excess earnings pursuant to Section 148(f) of the Code of any regulations applicable thereto now existing or promulgated hereafter. In connection therewith, the Mayor, attested by the City Clerk, is hereby authorized and directed to execute and to deliver, in the name and on behalf of the City, any and all documents or other instruments which Setley, Rauch & Bucolo, LLC, Bond Counsel, may reasonable request to provide its opinion that the Note is not an "arbitrage bond" within the meaning of Section 148 of the Code and the regulations applicable thereto.

The City makes no representation as to whether interest on the Note shall be excludible from gross income for federal income tax purposes under Section 103(a) of the Code.

The formal proposal (the "Proposal") of the Purchaser designated in the Proposal (the "Purchaser"), presented to this Council on December 31, 2009, is hereby accepted and the Note is hereby awarded to the Purchaser at private sale by negotiation for the aggregate purchase price of \$3,000,000. The terms of the Proposal are incorporated herein by reference with the same effect as if set forth in full at this place. The President of Council attested, by the City Clerk, is hereby authorized and directed to accept the Proposal, in the name of and on behalf of the City, by executing the City's acceptance on an original copy of the Proposal, to deliver a copy of the same to the Purchaser and to file the original with the records of the City. The Mayor is hereby authorized to deliver the Note to the Purchaser upon receipt of the full principal amount of the purchase price of such Note and upon compliance with all conditions precedent to such delivery as required by the Debt Act, this Resolution and the Proposal; and such Mayor, attested by the City Clerk, is hereby authorized and directed to prepare and verify, upon delivery of the Note, the certificate required by Section 8127 of the Debt Act, a copy of which certificate shall be retained with the records of the City until all tax and revenue anticipation notes issued by the City during the fiscal year ending on December 31, 2009, shall have been paid in full.

Section 7. The form of the Note shall be substantially as set forth and attached hereto as Exhibit "A," which form is hereby incorporated by reference and adopted as if fully recited at length herein and said form is hereby approved by this Council.

Section 8. The City hereby establishes a sinking fund for the Note and designates Wachovia Bank, National Association, as sinking fund depositary/paying agent (in such capacity, the "Paying Agent") for the benefit of Noteholders. The Mayor, the Managing Director of the City or other proper officer is hereby authorized and directed to make deposits to the sinking fund to be held for the payment of principal and interest on the Note no later than the date of final maturity thereof.

Thereafter, the Paying Agent shall, without further authorization or direction from the City or any of its officials, withdraw moneys from the sinking fund and apply such moneys to the payment of principal and interest then due on the Note. Deposit by the City into the sinking fund of the full amount of such money shall satisfy in full the obligation of the City to pay principal and interest with respect to the Note.

Section 9. Setley, Rauch & Bucolo, LLC, is hereby appointed Bond Counsel in connection with the issuance and sale of the Note.

Section 10. The Managing Director or other proper official of the City is hereby authorized and directed to pay at, or subsequent to, the closing for the issuance of the Note all costs and expenses of the issuance incurred by or on behalf

of the City or required to be paid by the City, all in accordance with the provisions of the Purchaser's Proposal.

DULY ADOPTED, THIS 22<sup>nd</sup> DAY OF DECEMBER, 2008, BY THE COUNCIL OF THE CITY OF READING, PENNSYLVANIA, IN LAWFUL REGULAR SESSION DULY ASSEMBLED.

**CITY OF READING, PENNSYLVANIA**

**By:** \_\_\_\_\_  
**President, Council of the City**

**Attest:** \_\_\_\_\_  
**City Clerk**  
**(SEAL)**

**EXHIBIT "A"**

**No. TRN**

**\$3,000,000**

**UNITED STATES OF AMERICA  
COMMONWEALTH OF PENNSYLVANIA  
LINE OF CREDIT  
TAX AND REVENUE ANTICIPATION NOTE -- SERIES OF 2009**

City of Reading, Commonwealth of Pennsylvania (the "Issuer"), for value received, hereby promises to pay to the order of Wachovia Bank, National Association (the "Purchaser"), the sum of Three Million Dollars (\$3,000,000), or such greater or lesser amount as shall be shown on the records of the owner of this Note as the unpaid principal balance of this Note, on the 31<sup>st</sup> day of December, 2009, together with interest thereon at the rate of \_\_\_\_\_ hundredths percent (\_\_\_\_\_% ) per annum, computed on the basis of a 360-day year of twelve, 30-day months. Any time after the Issuer has delivered the items listed in Sections 3(a) and 3(b) of the Resolution (as hereinafter defined), and from time to time thereafter, when the outstanding principal balance of this Note is less than \$3,000,000, the Issuer may draw funds under this Note to increase the principal balance to but not more than \$3,000,000. Both the principal of and interest on this Note shall be payable in such coin or currency as at the place and at the time of payment shall be legal tender for the payment of public and private debts in the United States (or by instrument payable in immediately available legal tender as aforesaid), at the designated office of Wachovia Bank, National Association (the "Sinking Fund Depository"), in Reading, Pennsylvania.

This Note is the Line of Credit Tax and Revenue Anticipation Note, Series of 2009, authorized and issued in the aggregate principal amount of Three Million Dollars (\$3,000,000) (the "Note") in accordance with the provisions of the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act No. 1996-177, (the "Act"), and pursuant to a resolution adopted on December 22, 2008, by the governing body of the Issuer (the "Resolution"). Reference is made to the Act and the Resolution for a complete statement of the rights and limitations of rights of holders of the Note, to all of which the holder hereof by acceptance of this Note assents,

This Note is issued under and in accordance with the Act, for the purpose of providing funds for current expenses payable in the current fiscal year in anticipation of the receipt of taxes and other revenues by the Issuer from the date of original delivery of the Note to the stated maturity date thereof.

This Note is equally and ratably secured with all other notes issued under the Resolution by the pledge of, security interest in, and a lien and charge on the taxes and other revenues of the Issuer specified in the Resolution to be received during the period when the note is outstanding. Such pledge, security

interest, lien and charge have been perfected and are enforceable in the manner provided by the Act. The Note is a general credit obligation of the Issuer.

The Issuer covenants that it will deposit in the sinking fund for the Note established by the Resolution with the Sinking Fund Depositary the taxes and other revenues collected in amounts which will be sufficient to pay the principal of and interest on all notes issued pursuant to the Resolution as and when the same shall become due and payable, and such sinking fund shall be applied exclusively to such purpose.

[The Issuer covenants that it will not make any use of the proceeds of the Note or do or suffer any other action which would cause the Note to be an "arbitrage bond" as such term is defined in Section 148 of the Internal Revenue Code of 1986, as amended and all applicable regulations thereunder].

All acts, conditions and things required to be done or performed precedent to and in the issuance of this Note or in the creation of the obligation of which this Note is evidence have been done and performed as required by law.

THIS NOTE IS DATED FOR CONVENIENCE AS OF JANUARY 2, 2009, BUT SHALL NOT BE EFFECTIVE UNTIL THE ISSUER HAS DELIVERED TO THE PURCHASER THE ITEMS LISTED IN SECTION 3(a) and 3(b) OF THE RESOLUTION.

IN WITNESS WHEREOF, City of Reading, Pennsylvania has caused this Note to be signed in its name and on its behalf by the signature of the Mayor of the City, and its seal to be hereunto impressed, duly attested by the signature of the City Clerk, this 2<sup>nd</sup> day of January 2009,

**CITY OF READING, PENNSYLVANIA**

\_\_\_\_\_  
Mayor

BY:

ATTEST: \_\_\_\_\_  
City Clerk

(SEAL)

**EXHIBIT "B"**  
**PROPOSAL OF PURCHASER**



**RESOLUTION NO. \_\_\_\_\_**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:**

Denying the appeal of the Certificate of Appropriateness by the City of Reading Public Works Department, as attached in the findings of fact, for the construction of a storage shed inside the City Park Playground and remanding this issue back to the Historical Architectural Review Board (HARB) at their January 20, 2009 meeting. City Council directs the City of Reading Public Works Department to work with HARB to find a reasonable compromise. Should the City of Reading Public Works Department fail to attend the January 20, 2009 HARB meeting, City Council orders the demolition of the existing storage structure.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
Vaughn D. Spencer  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher, City Clerk

## **Appeal of Historic Architectural Review Board Certificate of Appropriateness**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>CITY OF READING</b>	<b>§</b>	<b>CITY OF READING</b>
<b>PUBLIC WORKS</b>	<b>§</b>	
<b>DEPARTMENT</b>	<b>§</b>	<b>CITY COUNCIL</b>
	<b>§</b>	
	<b>§</b>	

### **FINDINGS OF FACT, CONCLUSIONS OF LAW, ORDER, AND AGREED RESOLUTION**

On Tuesday, November 25, 2008 the City of Reading City Council (Council) met to hear testimony about the City of Reading Public Works Department's (Respondent) appeal of the denial of the certificate of appropriateness for the construction of a storage structure in the City Park playground by the Historic Architectural Review Board (HARB).

#### **Findings of Fact**

1. The Historic Architectural Review Board (HARB) is an under the City of Reading Codified Ordinances Chapter 4 Part 1 – Historic Districts. The HARB is a board of 7 duly qualified members.
2. The respondent reviewed a conceptual design plan for the City Park project on January 16, 2007. The conceptual plan for the playground area proposed an open gazebo, not a closed storage structure.
3. HARB, at their January 16, 2007 meeting approved a certificate of appropriateness for Phase I of the rehabilitation of the City Park playground project for the installation of new playground equipment and safety surface tile as described and proposed on the site plan drawings by Cairone and Kaupp, Inc.
4. The respondent failed to seek the required certificate of appropriateness for the second phase of the rehabilitation project and installed the storage structure without HARB review or approval.
5. The Historic Preservation Specialist brought the illegal storage structure to HARB's attention at their August 19, 2008 meeting. HARB requested that Chairman Peter Sutliff draft a letter to the respondent notifying them of the need to seek a certificate of appropriateness for Phase II of the City Park playground rehabilitation project at the September 16, 2008 HARB meeting.

6. The respondent failed to respond to the letter or appear at the meeting.
7. The Historic Preservation Specialist presented the information she had gleaned from conversations with Recreation Superintendent Mike Zuber. She stated that the Department of Public Works had decided that a storage structure was needed as there are structures at other playgrounds for storing items for playground leaders. A storage structure near the existing comfort station in City Park, across the street from the playground, was not feasible as when a playground leader would cross the street, they could not risk the liability of children following them.
8. HARB denied the certificate of appropriateness for the storage structure at their September 16, 2008 meeting.
9. The respondent requested an appeal hearing before City Council the week of November 24, 2008 and was provided with the hearing date of November 25, 2008.
10. City Council took testimony from the respondent and the Historic Preservation Specialist at the hearing held on November 25, 2008
11. The respondent stated that their failure to seek the required certificate of appropriateness for Phase II of the rehabilitation project was an oversight.
12. The Historic Preservation Specialist stated that HARB was not pleased with the design of the storage structure as it was not in any way similar to the design shown on the conceptual plan.
13. Historic Preservation Specialist stated that the walls of the structure are constantly being hit with graffiti. The paint used to cover the graffiti does not match the paint on the remaining parts of the structure. She also noted that HARB disagrees with the use of security bars installed in the structure's windows and that the structure is improperly positioned on the concrete slab.
14. The respondent agreed that the design is different than that shown in the conceptual plan. He stated that the design was altered when the need for a storage building was identified. He also stated that the contractor made the decision to include windows on the structure.
15. Peter Sutliff, Chair of HARB, testified that Phase II of the project was reviewed by HARB but was not approved. He stated that the design of the existing storage structure was not approved by HARB and that the design of the existing structure is completely different from the model appearing in the original conceptual plans.
16. Mr. Sutliff noted HARB's willingness to work out a mutually acceptable compromise with the respondent.
17. The following were entered into the record as Exhibits marked sequentially:
  1. The agenda and its attachments
  2. Photographs of the conceptual plan
  3. Photographs of the existing structure.

### **Conclusions of Law**

The Historic Preservation Part of the Codified Ordinances of the City of Reading, Pennsylvania, regulates and restricts the construction, reconstruction, alteration, restoration, demolition or razing of any building, structure, site or object within a designated historic district, in whole or in part, and prescribes certain procedures relating to the issuance of permits for such properties. Until a certificate of appropriateness is issued no construction shall be undertaken, and any construction which has occurred prior to the issuance of the permit shall, if requested by the Board or City Council, be removed. The storage structure in the City Park playground was completed without the required permits. The Codified Ordinances require the Historic Preservation Specialist, the Historical Architectural Review Board and City Council to uphold the standards issued by the U.S. Secretary of the Interior.

### **Order and Agreed Resolution**

The City of Reading City Council hereby denies the respondent's appeal of the HARB Certificate of Appropriateness and remands the issue to HARB at their January 20, 2009 meeting. City Council requests that HARB and the respondent work to find a mutually agreeable compromise. Should the respondent fail to appear at the January 20, 2009 meeting, City Council orders the demolition of the existing storage structure.

### **Right to Appeal**

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.

R E S O L U T I O N NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Carmela Boykins is appointed to the City Diversity Board, with  
a term ending December 22, 2011.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

R E S O L U T I O N NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Mary Alamo is appointed to the City Diversity Board, with a  
term ending December 22, 2010.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

R E S O L U T I O N NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Jeffrey Gattone is appointed to the Zoning Hearing Board, with  
a term ending January 1, 2013.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

R E S O L U T I O N NO. \_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That James Schlegel is appointed to the Berks Area Reading  
Transportation Authority, with a term ending December 31, 2011.

Adopted by Council \_\_\_\_\_, 2008

\_\_\_\_\_  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk